



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**  
Apr 22. 2009 *lcw*  
APR 22 2009  
APR 22 2009  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

LUIS MARTINEZ, Reg. No. K-89831

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

09CV2436  
JUDGE DER-YEGHIAYAN  
MAGISTRATE JUDGE COX

Case No: \_\_\_\_\_  
(To be supplied by the Clerk of this Court)

See attached pages

1(a), 1(b), 1(c), and 1(d)

In their Individual and Official

Capacities.

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

  x   COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)

       COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

       OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**DOCKETED**  
APR 23 2009

**I. Plaintiff(s):**

- A. Name: Luis Martinez, Reg. No. K-89831
- B. List all aliases: N/A
- C. Prisoner identification number: K-89831
- D. Place of present confinement: Dixon Correctional Center
- E. Address: P.O. Box 1200, Dixon, IL. 61021

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Schoberw, Badge # 20542  
Title: Police Officer of the Chicago Police Dept.  
Place of Employment: Chicago Police Department
- B. Defendant: Ortiz BC, Badge # 10016  
Title: Police Officer of the Chicago Police Dept.  
Place of Employment: Chicago Police Department
- C. Defendant: Peck Jr. Re, Badge # 20711  
Title: Police Officer of the Chicago Police Dept.  
Place of Employment: Chicago Police Dept.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Defendant: Flores Jr. H. Badge # 11161

Title: Police Officer

Place of Employment: Chicago Police Department

E. Defendant: Redman Charles A. , Badge # 20910

Title: Police Officer

Place of Employment: Chicago Police Department

F. Defendant: Edwards Louis, Badge # 20755

Title: Police Officer

Place of Employment: Chicago Police Department.

G. Jody P. Weis

Title: Superintendent of Police of the Department of Police

City of Chicago.

Place of Employment: Chicago Police Department

H. Defendant: Seargent Kane

Title: Internal Affairs Division of the Department of Police Headquarters

City of Chicago.

Place of Employment: Chicago Police Headquarters.

I. Geraldine D' Souza

Title: Assistant Attorney of Cook County, Illinois.

Place of Employment: Office of the State Attorney of Cook County

J. Defendant: Richard Paul

Title: Assistant Public Defender

Place of Employment: Cook County Public Defender's Office

K. Defendant: Diana Binstock

Title: Assistant Public Defender

Place of Employment: Cook County Public Defender's Office.

L. Defendant: Eileen pahl

TITLE: Assistant public defender

Place of employment: cook county public defenders office

M. Defendant: Taylor C. Scott The 3rd

TITLE: Forensic scientist from the Illinois state police

Place of employment: 3710 East lake shore Dr. Springfield IL.

N. Defendant: Althea K. Welsh

TITLE: Senior counsel

Place of employment: Attorney Registration disciplinary commission Supreme court IL.

O. Defendant: Judge James B. Linn circuit Judge

TITLE: Judge

Place of employment: cook county criminal court building

P. Defendant: Judge Hill Arthur F. Jr. circuit Judge

TITLE: Judge

Place of employment: cook county criminal court building

Q. Defendant: Tom Dart

TITLE: Sheriff of cook county

Place of employment: cook county criminal court building

R. Defendant: Detective Grant badge # 5284

TITLE: Police officer

Place of employment: Chicago police Department

S. Defendant: Kumiga Kumila badge # 15998

TITLE: E.T. police officer

Place of employment: Chicago police Department

T. Defendant: Nancy Wilder

TITLE: Assistant Attorney of cook county, Illinois

Place of employment: office of the State attorney of cook county

U. Defendant: Quentin D. Pitluck

TITLE: Assistant public defender

Place of employment: cook county public defenders office

### III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES ( ) NO (X) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES ( ). NO ( )

C. If your answer is YES:

1. What steps did you take?

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2. What was the result?

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3. If the grievance was not resolved to your satisfaction, did you appeal?  
What was the result (if there was no procedure for appeal, so state.)

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D. If your answer is NO, explain why not:

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E. Is the grievance procedure now completed? YES ( ) NO ( )

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (X) NO ( )

G. If your answer is YES:

1. What steps did you take?

I filed criminal complaints with the F.B.I. at 211 W. Roosevelt Chicago  
Reporting these crimes My mail was being opened these conspirators hired  
Someone to come see me at work pretending to be the F.B.I. and

2. What was the result?

Ignored these complaints They failed to show F.B.I. Identity and  
were deceived by the false documents believing they were true and  
failed to report this crime to DOJ. and failed to investigate  
See All Exhibit M., N., L, K, G,

H. If your answer is NO, explain why not:

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IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: NONE
- B. Approximate date of filing lawsuit: NONE
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: NONE
- D. List all defendants: NONE
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NONE
- F. Name of judge to whom case was assigned: NONE
- G. Basic claim made: NONE
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): NONE
- I. Approximate date of disposition: NONE

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED. NONE



In the United States  
Northern District of  
Illinois Eastern Division

Luis Martinez  
Plaintiff

Complaint  
Civil Action No. \_\_\_\_\_

V. These defendants are responsible for violating the plaintiff's rights and are responsible for participating in a chain of conspiracy that is still existing to perform separate functions with the same subject of the conspiracy in a chain like manner of an organized conspiracy to commit organized crimes in violation of the title I X of the organized crime control act of 1970 racketeer influence and corrupt organizations act (RICO) and are responsible for engagement of unlawful activities violating the anti trust laws under (18 U.S.C.A.) 1964 (A) and violated federal statutes relating to fraud. Making fraudulent statements affecting the United States Government and other agencies conspiring to defraud a making false statements and misrepresentations affecting the plaintiff and are responsible for violating federal health care offenses and what is said in this suit plaintiff is still experiencing on going harm by the said defendants in this suit.

Defendants:

Schoberw badge # 20542 (PCOH317) Police officer for the Chicago police department 19th city of Chicago district located at Belmont and western in his and official and individual capacity acting under color of the state law.

Ortiz BC. badge # 10016 (PCOE926) police officer for the Chicago police department 19th city of Chicago district located at Belmont and western in his official and individual capacity acting under color of the state law.

Peck Jr. Re badge # 20711 (PCON160) police officer for the Chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under color of state law.

Flores Jr. H. badge # 11161 (PCOS171) police officer for the Chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under color of state law.



Detective Redman Chareles A badge # 20910 (PCON318) police officer from the Chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under color of state law.

Detective Edwards Louis badge # 20755 police officer from the Chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under the color of state law.

Jody P. Weis Superintendent of police of the department of police city of Chicago in his official and individual capacity acting under color of state law.

Sergeant Kane of the internal affairs division of the department of police headquarters city of Chicago located at 3510 S. Michigan Ave. Chicago Il 60653 in her official and individual capacity acting under color of state law.

Geraldine D' Souza assistant states attorney from the people of the state of Illinois by their attorney Richard A. Devine states attorney of Cook County Illinois county department criminal division for the city of Chicago in her official and individual capacity acting under color of state law.

Richard Paull assistant public defender from the law office of the Cook County public defenders Office of the state of Illinois By their attorney Edward A. Burnette of the law office of the Cook County public defenders office for the city of Chicago in his official and individual capacity acting under color of state law.

Deana Binstock assistant public defender from the law office of the Cook County public defenders office of the state of Illinois by their attorney Edward A. burnettte of the law office of Cook county public defenders office of the state of Illinois.

by the attorney Edward A. Burnette of the law office of the Cook County Public defenders office for the city of Chicago in his official and individual capacity acting under color of state law.

Eileen Pahl assistant public defender from the law offices of the Cook county public defenders office of the state of Illinois by their attorney Edward A. Burnette of the law office of the Cook county public defenders office for the city of Chicago in her official and individual capacity acting under color of state law.

Taylor C. Scott the 3rd from the illinois state police division of forensic services located at 3710 East Lake shore Dr. Springfield IL 62712 for the DNA indexing laboratory in springfield state of illinois by their govenernor Rod R. Blagojenich for the city of Chicago in his official and individual capacity acting under color of state law.

Althea K. Welsh senior counsel from the attorney registration and disciplinary commission of the supreme court of illinois of the state of Illinois located at One North old capital plaza suite 333 springfield Il 62701 for the city of Chicago in her official and individual capacity acting under color of state law.

Judge James B. Linn of the Cook County of the criminal courts building 2650 S. California Chicago Il 60602 court room 707 for the city of Chicago in his official and individual capacity.

Judge Hill Arther F. Jr. circuit judge of Cook County of the criminal courts building 2650 S. California Chicago Il 60602 for the city of Chicago in his official and individual capacity.

Tom Dart Sheriff of cook county circuit courts of criminal courts building for the city of Chicago in his official and individual capacity acting under color of state law.

Detective Grant badge # 5284 detective police officer from the chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under the color of state law.

E.T. Kumiga Kumila badge # 15998 a police officer from the Chicago police department 19th city of Chicago district located at Belmont and Western in his official and individual capacity acting under color of state law.

Luis Martinez  
Regno K-89831  
Dixon Correctional Center  
2600 N. Brinton Ave  
Dixon , Illinois 61021

**V. STATEMENT OF CLAIM**

On 01-01-2006 the plaintiff Luis Martinez was trying to commit suicide because he was hearing voices that told him to jump in front of the Blue Line Train at the train station in Chicago. Chicago Transportation Authority (CTA) workers stopped him from being hit by the train. CTA workers then contacted police and emergency crews. Upon arrival the plaintiff was taken to the emergency room at Northwestern Memorial Hospital. The plaintiff was then transferred on 01-03-2006 @ 7:00pm to Madden Mental Institution located at 1200 S. First Ave Maywood Illinois. The plaintiff was admitted as a patient and received psychiatric treatment from 01-03-2006 to 01-26-2006. Doctors discovered that the plaintiff had a long history of mental illness and was diagnosed with paranoid schizophrenic and manic depression. The doctor's discovered that the plaintiff was gravely disabled, unable to care for himself and potentially dangerous to himself. For those reasons the psychiatric doctors and counselors were trying to place plaintiff in a supervision housing unit. To support this conclusion see Exhibit A. Due to the fact that the plaintiff was incompetent and a high risk of suicide and under heavy medication the plaintiff was in no condition to be released without a psychiatric doctor's authorization or treatment plan completed.

ON 01-26-2006 @ 1:30pm several Chicago police officers from the 19th district, Located in Chicago Belmont and Western,

1. Shoberw Badge # 20542 (PCOH317)
2. Ortiz BC Badge # 10016 (PCOE926)
3. Peck Jr Re Badge # 20711 (PCON160)
4. Flores Jr H Badge # 11161 (PCOS171)

And detective

1. Redman, Charles A Badge # 20910 (PCON318)

Due to these officers plaintiff suffered a deprivation of liberty under the fourth admendment of the U.S. constitution. Malicious prosecution in violation of the fourth admendment plaintiff suffered false imprisonment and false arrest due to racial hate reasons. Plaintiff was targeted by these defendents acting under color of state law. These defendents interfered with plaintiff's constitutional rights and denied the plaintiff mental health

treatment and psychiatric care. Actionable under 1983, for deprivation of patients' liberty interests in safety and freedom from unnecessary restraints and privacy during the course of mental health treatment at a mental health hospital. plaintiff suffered under the civil rights act for denial substantive due process and a violation of the fourteenth amendment occurred violations of residents liberty interest under due process. When plaintiff was deprived protection by supervisor and psychiatric doctors at the mental institution who had a duty to protect plaintiff and stop police from unnecessary state infringement and police misconduct upon plaintiff right to liberty and privacy while treatment was not complete. It is a due process duty of employees to assume special responsibility for mental patient protection during the course of their treatment under federal civil rights to safety and life and privacy through negligence and gross negligence. Failure of staff at mental hospital to prevent protection against a warrantless arrest without due process of law and without treatment being complete and without authorization from psychiatric doctors. This act showed negligence and deliberate indifference to plaintiff serious medical needs in violation of the fourteenth amendment and eighth amendment. Plaintiff suffered cruel and unusual punishment when employees at Madden allowed the defendants (the previously named detectives and officers) to conspire among each other to deprive plaintiff of his fourth amendment rights. By making a unconstitutional warrantless entry into plaintiff's place of residence to make a warrantless and unlawfull arrest when neither probable cause or exigent circumstances existed. The police's action was unreasonable and actionable within the meaning of 1983 illegal seizure of persons right to privacy in within the home. Officers clearly knew that it is unconstitutional under the law that their conduct was unlawfull and they clearly knew that a individual is protected against warrantless arrest within his or her dwelling. Plaintiff had an legitimate expectation of privacy while being a admitted patient and resident of a mental institution.

Officers clearly knew that their conduct violated well known established federal laws within meaning of the fourth amendment. At the time being plaintiff was mentally retarded and plaintiff was required to be housed in medical monitored housing facility when released. Plaintiff had a right to placement intermediate care facility for mentally retarded (ICF-MR) for individuals with conditions related to mental retardation but who are not diagnosed as mentally retarded. This is a federal right sufficient for medicaid claimant to state 1983 claim against police for interfering with doctor's orders placing plaintiff in intermediate care facility for plaintiff mental retardation conditions with funding from the state and federal government. Before officers made their warrantless entry to arrest the plaintiff at the institution police had DNA evidence showing that someone else was responsible for the crime. Police acted with malice and disregarded and ignored the DNA evidence and falsely arrested the plaintiff. The city's failure to train and supervise its police officers as to requirements of warrantless stops, arrest and illegal searches and seizures resulted in the arrest of the plaintiff. The city should be held liable for allowing and encouraging allegedly unconstitutional arrest in violation of the fourth amendment, fourteenth amendment, eighth amendment and any reasonable officer would disagree on the existence of probable cause existing for plaintiff's arrest. Detective Edwards Louis Badge # 20755 received the follow up investigation of the sexual assault case according to exhibit B indictment report. The arrest report shows that the victim was taken to the lincoln park hospital and medical reports done by doctors and pathologist established that on April 19th 2005 shortly after the attack late night Molly Grierson was brought by police detective Edward Louis to the lincoln park hospital located in Chicago north west side for purpose to be examined and treated. A rape kit was completed when Molly Grierson was being treated at the lincoln park hospital. Doctors and pathologist made urethral and cervical smears during the examination. Doctors collected as evidence swabs of the vaginal pool and cervix of the victim.

During the vaginal examination anal and oral swabs were also done on the victim and collected preserved as evidence. Because sperm cells and seminal fluid was found on all the swabs collected it was entered as DNA evidence in the DNA chain of custody done by medical staff. Molly Grierson's clothing worn on the site of the attack was also entered in the DNA chain of custody collected as evidence by medical staff because sperm cells and seminal fluid was found on the victims coat, shirt, pants, socks and underwear. The presence of intact sperm cells was found and established the most conclusive evidence of recent intercourse. Police officers knew that the sperm samples DNA evidence and lab reports created reasonable doubt that the plaintiff did not commit the offense. The police had knowledge of this existence because detective Louis and these police defendants received the lab reports and scientific test results identifying the donor of the sperm samples that was not the plaintiff's DNA profile. The information included the blood type of the semen donor collected from the rape kit. Detective Edward Louis concealed and hid this exculpatory DNA evidence that identified someone else's DNA profile from the grand jury. As part of officer's illegal conspiracy to falsely arrest plaintiff and to frame him to a crime that he didn't commit. In violation of (1985) civil conspiracy. Done by racial hate reasons to plaintiff hispanic race to frame minority people for no wrong doing. These officers made up false evidence to accomplish their false arrest and false imprisonment. They conspired to obstruct justice in violation of (18 U.S.C.A. 1503) and a violation of the omnibus clause which clearly forbids all corrupt endeavors to obstruct or impede the due administration of justice. These defendants corruptly obstructed and impede the due administration of justice when detective Louis acting under color of law conspired to bribe Assistant states attorney of this case. **NANCY WILDER** who received a cash payment from detective Louis in violation (18 U.S.C.A. 201B) (1) (A) in exchange for **NANCY WILDER** who agreed to accept the payment to misuse her official powers after being influenced by the money payment she participated in the civil conspiracy with the intent to defraud.



She engaged in a corrupt persuasion for the purpose of giving false and misleading DNA results to the grand jury to receive a indictment. False means were used to make a false indictment of this case after being influenced by the bribe. The purpose was to avoid the grand jury and tribunal from learning the true facts of the DNA match of someone else. The plaintiff planned to go to trial with the DNA information. The prosecutors had a duty to disclose to counsel under brady;. A violation under brady; accrued when Geraldine D' Souza failed to disclose the DNA report to counsel. She also destroyed, by illegally throwing away, the exculpatory DNA lab reports of the semen done by K.Behle forensic biologist and the DNA test results of Taylot Scott the 3rd of the Illinois state police forensic crime lab. These DNA test results show that the plaintiff was not the semen donor of the rape kit collected at the Lincoln Park Hospital. Plaintiff requested for this information to go to jury trial to support this conclusion see exhibit C. Failure to disclose, upon plaintiff's request, the discovery information found in exhibit C amounted in a constitutional error of a deprivation of the right to a jury trial. This is a direct violation of the fourteenth amendment and the sixth amendment of the U.S. constitution being actionable under (1983). In 1974 amendment to rule 16 eliminated the need for a motion and subsequent court order to obtain such discovery once a request is made the rule provides that the goverment shall permit inspection or copy the results or reports of medical or scientific test results. This material to preparation of plaintiff's defense intended to be introduced at trial in showing that the plaintiff was not the linked to this crime on the basis of the DNA evidence in this case. Plaintiff also made a request to disclose the identity of the witnesses names, doctors, pathologist and physicians who examined the victim at Lincoln Park Hospital. A long with a request of medical records and statements made by doctors regarding their findings during the examination of the victim Molly Grierson. Prosecuters failed to disclose this information requested for to support this conculsion see exhibit D.

The answer to discovery sheet this information was unlawfully concealed from the courts and illegally thrown away by Geraldine D' Souza so that plaintiff be deprived of the sixth amendment compulsory process clause which provides that in all criminal prosecutions the accused shall enjoy the right to have compulsory process for obtaining witnesses in his favor had the undisclosed witnesses and medical reports and scientific reports requested for the plaintiff would had subpoena them to appear and testify at a motion to squash arrest hearing to determine if there was no probable cause for. The arrest held on 03-13-2007 and at trial because their testimony would have offer the truthfulness issue demonstrating that the sperm samples of exculpatory nature was taken from the victim and the testimony would have also demonstrate that a rape kit was completed when the victim was examined and treated at the Lincoln Park Hospital on the same day this crime was committed. Geraldine D' Souza intentionally nondisclosed and destroyed this evidence because further examinations of the DNA evidence and lab reports and testimony of witnesses would have established plaintiff's innocence. The testimony would have demonstrated that Geraldine D' Souza for purpose to obtain a conviction by means of fraud and perjury entered into a conspiracy with police officers to conceal and for purpose to avoid the courts from learning the true facts of this case. She willfully knowing with reckless disregard for the truth made a false document concealing material fact that the victim of this case was treated and examined and a rape kit was completed when she was at the Lincoln Park Hospital on April 19th 2005. Because the rape kit DNA lab reports showed plaintiff's innocence Geraldine D' Souza covered up this fact and falsified in a violation of (18 U.S.C.A.) (101) (A) by means of trick and scheme by making a false document conspired to violate section (18 U.S.C.A.) (1001) (A) (3). It is well settled that when a act violates more than one criminal statute the government may prosecute here Geraldine D' Souza participated willfully in criminal activity in violation of federal law and criminal statues.

DNA evidence showed plaintiff's innocence and knew the information lacked probable cause for arrest. Officers acted in bad faith and conspired to bribe Geraldine D' Souza in exchange for her to file a false document containing false information that Molly Grierson did not go to the hospital on the same day that the crime was committed and that she was never treated or a rape kit was never completed when she was at the Lincoln Park Hosiptal.

The false document stated, untruely, that Molly Grierson left the Lincoln Park Hospital after going to the hospital four days later to be examined for a sexual assault and she was denied medical treatment by doctors and no examinations or rape kit was not done because Molly Grierson did not have any medical insurance to pay for doctors examinations. Detective Edward Louis also filed a false supplementary police report containing the same false information that Geraldine D' Souza wrote in her false document to stick to the same story to cause unjustifiedly extended incarceration done by reckless indifference to disregard to the truth with intent to defraud the court. The false documents were used as evidence in court. Because of this the plaintiff suffered a deprivation of liberty, a unconstitutional conviction, imprisonment and malicious prosecution. This was a violation of the 4th amendment. Plaintiff was deprived of the right to be free from racial disrimination and equal protection of laws due to racial hate reasons to plaintiff's race. Plaintiff was targeted and deprived of the well known constitutional right of the 13th amendment under section (1985) to (1986) (A).

Plaintiff did not have a fair opportunity to litigate this issue in the state court because these conspirators and judges ignored these issues raised by plaintiff. Officers could not reasonably believe that there was any reason to believe that the plaintiff was needed for a line-up. The supplementary police report, that was illegally thrown away by detective Louis, identified the actual offender that committed this crime. Physical discription in detail proves that the victim had a oppertunity to view the actual offender while he was committing the crime for a long period of time under good lighting conditions. When Molly Grierson reported this crime to police on April 19th 2005 she reported

to police that she looked closely at her attacker's face and neck. She told police that the attacker had a anchor tattoo on the right side of his neck, right side of his shoulder and on his back. She also stated that the attacker had yellowed ~~crooked~~ teeth. This report was illegally thrown away because the report proved that the plaintiff didn't resemble the attacker that police was looking for and proved the serious discrepancies between the physical description of the actual offender that was described by Molly Grierson. Detective Edward Louis unreasonably to secure a false description of a misidentification at the line-up told the victim to pick the plaintiff out of the line-up and told her that the plaintiff was indentified through DNA. Molly Grierson then picked the plaintiff out of the line-up. Detective Edward Louis's manipulation and concealment of exculpatory evidence that proved misidentification that was destroyed deprived plaintiff of his civil rights under the due process clause. Prior to the line-up the plaintiff was taken from a mental institution detained and placed in a line-up against his will. Police told plaintiff that no charges had been filed against him. Gross negligents to a illegal arrest gives rise to a 1983 claim under a fourth amendment violation and actions under 1983 for a constitutional violation right to be free from unduly suggestive line-ups because the illegal misidentification testimony of the line-up was used in the proceeding of this case to deprive plaintiff of a fair trial.

Prior to the line-up officers detained and interrogated the plaintiff for hours without counsel which the plaintiff requested before, during and after the interrogation. This was a violation of the 4th S. 6. 14th amendment of the U.S. constitution. Officers with malice sought to build a case against the plaintiff due to the fact that the plaintiff was heavily medicated, mentally incompetent and suffering from a psychotic disorder at the time of his arrest and was not able to understand or comprehend the nature of the interrogation. Officers conspired and continued to interrogate plaintiff for the sole purpose to have plaintiff

falsely imprisoned and to find closure for the rape cases in the Lincoln Park neighborhood known as a high rape crime area.

Kumiga Kumila Badge # 15998 from the 19th district police station conducted a warrantless and illegal seizure of the plaintiff's DNA buccal swab while plaintiff was mentally incompetent and suffering from a psychotic episode and unable to discern what was being asked of him. The plaintiff refused to give the swab voluntarily. The swab was then taken by force. The swab was needed to illegally and falsely frame the plaintiff for a crime he did not commit. Detective Grant badge # 5284 from the 19th district police station acting under color of the state misused his power and willfully joined in the conspiracy by police and prosecutors to arrest, prosecute and imprison the plaintiff. Detective Grant planted the plaintiff's DNA buccal swab on a different pair of women's underwear, not the original pair that was collected as evidence at Lincoln Park Hospital when the rape kit was done. On the basis of these facts the accountable and before mentioned individuals and city or state institutions should be prosecuted and held liable for his / her / their actions in violations of state and federal laws. For proof of this false and fabricated DNA planted against the plaintiff see exhibit E, F and B.

**NANCY WILDER** and detective Louis conspired together. Detective Louis testified falsely at the pre-trial using the false documents (exhibit E). Prosecutor then initiated criminal proceedings against the plaintiff based on these false documents. Detective Louis then used the false documents and made false statements under oath to the grand jury. **NANCY WILDER** also offered her fraudulent testimony under oath and presented the false documents to the grand jury. It was stated that the victim gave police the underwear that she was wearing on the same day that this crime was committed. It was also stated that the plaintiff's DNA was found on the victim's underwear in the form of semen. Taylor Scott's expert testimony at the probable cause hearing held on 3-13-07 stated that the DNA found was a saliva stain and not a semen stain. To support this fact please review video

tape in judge Linn's court room 707 in the criminal court building for the day of 3-13-07. This testimony supports the plaintiff's claims that the DNA evidence was planted.

To establish participation that these defendants conspired to file forged documents plaintiff attaches these documents as exhibits. Plaintiff received these documents from the city clerks office in Cook County after paying a fee. All court documents in the legal custody of the clerks office regarding to the plaintiff's case have no certification and are not stamped or dated as to when they were filed or received by the clerk or when they were entered as evidence showing seal of the court with the clerk's signature. These documents show there is no proof of the official record as to when these documents were produced. This establishes the invalidity of these documents. There is also no date on the documents showing when these statements were written down. There is no exhibit # to verify the exhibit counsel and the state prosecutors were stipulating to offered as evidence. These documents were not certified as a county court records and do not contain the signature of the clerk or the court letterhead certifying that these documents are true and correct copies. These documents were not signed by the judge as certified copys of the Cook County Court records.

The requirement that documents be certified as correct means of the authenticating official must certify that the copies delivered to the court is an accurate copy of a government record to satisfy rules of the certified copies of public record. Certification by the clerk having legal custody of the record is a requirement that must be satisfied and in this case that was not proven.

Police and Garaldine D' souza offered a bribe to two public defenders from the public defenders office of Cook County by the name of Richard Paul and Deana Binstock who received a money payment in return for their official acts to deprive the plaintiff of the right to counsel in violation of the 6th amendment of the constitution. The plaintiff exercised his right to report and to file complaint against both attorneys with the attorney registration diciplinary commission.



Althea K. Welsh senior counsler for the registration and disciplinary commission of the supreme court of Illinois suppressed evidence found through her investigations conducted on both attorneys after receiving many complaints filed to her and evidence showing that Richard Paull and Deana Binstock committed serious crimes such as fraud, deceit, misrepresentation and participated in a chain of conspiracy. To support these facts and to show that the plaintiff took all the reasonable steps and exhausted all available remedies to show a miscarriage of justice see exhibit 6. These are letters of Althea K. Welsh, acting under color of law after being influenced by the bribe and finding evidence that both lawyers committed misconduct and serious crimes, promised both lawyers that she would not disclose the evidence of their corruption to the public or to the courts. These actions kept this case from receiving a fair trial and covered up their criminal activity. The failure to disclose and the material misrepresentation of the true facts of this case done by counsels should be corrected. Please reveiw all the complaints that the plaintiff has filed with her. Althea K. Welsh had knowledge of the fact that detective Grant planted a diffrent pair of underwear with the plaintiff's saliva sample on it for the sole purpose to use it as evidence and to be misrepresented as semen after the original underwear was thrown away. Richard Paull wrote a false document attorney work product sheet in exhibitf concealing the true facts of this crime. Concealing material facts is a violation of (18 U.S.C.A.) 1001 A (1) making a false or fictitious or fraudulent statement (18 U.S.C.A.) 1001 (A) 2 in violation of (18 U.S.C.A.)1001 (A) 3 committing a crime of making and using any false writing or document and in violation of (18 U.S.C.A.) 1503 committed a crime of obstructing justice. Detective Grant badge # 5284 is a technician with intent to deceive that 4 days later Grant arrives at the victim's home after she reported this crime 3 days later to police and Grant finds a pair of underwear on the floor of the victim's college dorm room with the plaintiffs' semen stain on it.



Richard Paull wrote this attorney work product sheet and admitted it into evidence knowing that exhibit F contains false fraudulent statements and he had actual knowledge that those statements were untrue. The courts were misled to believe that the plaintiff's semen stain was recovered from the underwear.

The false documents by Richard Paull actually succeeded by deceiving the F.B.I. , the courts, judicial inquiry board, ARDC, general inspectors and other agencies to believe the fraudulent statements thus covering up the true facts of this case. Detective Grant is actually not a laboratory technician, to support this fact see exhibit D answer to discovery page 1 circled shows that Grant is truly a detective see exhibit F. The attorney work product document done by Richard Paull covers up by trick and scheme to conceal the fact that detective Grant helped Geraldine D' Souza destroy exculpatory DNA evidence and planted a pair of underwear into evidence with plaintiff's DNA buccal swab on it. Due to the fact that the plaintiff is a secretor plaintiff's blood type was able to show on the planted underwear Richard Paull participated as a aid and abettor and is criminally responsible

For Aiding and Abetting in The Commission of A Federal Offense  
 When Richard paull Assisted Detective grant in The commission  
 of A crime causing False evidence To be planted willfully  
 conspired To defraud by Making False Documents Making  
 False pretenses That A pair of WOMENS underwear was  
 Found 4days later AT The victims college DORM Floor  
 Apartment when police Return To The victims home To  
 Search For evidence To support This conclusion That  
 A pair of womens underwear was planted and used for  
 False evidence NOT The original pair of underwear  
 collected at The lincoln park hospital when The  
 RAPE KIT was completed late Night on April 14, 2005

Underlined and circled see exhibit D, ANSWER TO discovery  
 Sheet Inventory number in page 2 ## 10520806 1 pair of  
 Womens underwear See exhibit E, ATTORNEY work product  
 Sheet Done by Richard PAULL; regarding The chief evidence  
 OF This case Done by geraldine D Souza prosecutor  
 4/22/05 Inventory 10520806 After The underwear was  
 planted police used and FILE A FALSE inventory number  
 The attorney work product ALSO clearly proves That  
 Molly grierson was Taken TO The hospital by police  
 late Night 4/19/05 See ALSO exhibit E, Arrest  
 report page 2 of 5 clearly will prove with further  
 Investigation TO This case The falsity That Molly  
 grierson did not go TO The lincoln park hospital  
 on April 19, 2005, and was defrauded for purpose  
 TO conceal and hide The true Facts because of

Racial hate REASONS and TO prevent plaintiff from  
 presenting This Matter in The civil courts All  
 Evidence of exculpatory Nature was illegally Thrown  
 Away Rape KIT collected at The hospital. Names of  
 Doctors who conducted a Rape KIT The Swabs That  
 contained SEMEN of Someone else collected at The  
 lincoln park hospital Medical reports and statements  
 Made by Doctors who examined Molly grierson laboratory  
 reports of The Rape KIT results All Identified  
 That Someone else COMMITT The Sexual Assault  
 For This REASON it was Thrown away

IN Accordance wOn general rules of Evidence IN  
AN Action based on A conspiracy any competent  
evidence which is Material and relevant TO an issue  
in The case or which Tend TO Establish some one  
or more of The element of The cause of Action alleged  
is Admissible, plaintiff would like TO offer exhibit  
H, as evidence TO establish that offered false  
evidence in A False stipulation document that  
was invented Filed illegally with The clerk of The  
Court This Document was Done without plaintiff  
Authorization or consent TO stipulate his Rights  
TO challenge The DNA evidence, and was Done by

Malice TO give plaintiff A UNfair surprise at the  
probable cause hearing Motion TO Squash arrest hearing  
held on 03/13/09 with further investigation TO  
This case and A Document Examiner would prove  
That This Document is Forged and False  
and has NO certification and NOT stamped and Dated  
Showing when The clerk Entered The Document  
into evidence and shows NO Seal of The clerk  
as certified as A county record and is certainly  
unreasonable why The certification Requirements were  
NOT established TO certify copies of public Records  
RULES

There is also a requirement that before an exemplar may be offered into evidence of a document opposing counsel must be afforded a pre-trial opportunity to inspect the document Richard PAULL and Deanna BINSTOCK, never made a request for Taylor SCOTT original DNA laboratory reports and his identity to be disclosed because the reports and results of Taylor SCOTT examinations on the planted underwear revealed that the type of DNA sample on the underwear was NOT semen for this reason NONE of his laboratory results reports or identity was concealed from the answer to discovery sheet

please review the videotape in Judge Linn court room 707 for the day of 03/13/07 the

court would discover that Taylor SCOTT testified

that the type of DNA sample found on the women's underwear in inventory 10520806 which is the underwear prosecutors used for a conviction and misinterpreted as semen knowing that the type of stain on the underwear was in fact the saliva sample detectives planted showing plaintiffs

blood type due to the fact that Richard PAULL and Deanna BINSTOCK are members of this conspiracy both refused to make a request for Taylor SCOTT expert testimony to be disclosed in the answer to discovery.

For purpose To Defraud plaintiff which plaintiff was forced To obtain discovery information and file A REQUEST in court Through Rule 16, REQUESTING The prosecutor To disclose The Identity, Notes, and Testimony chain of evidence of The person who placed in inventory 10520806 the 1 pair of women's underwear found 4 days later planted as evidence in The chain of custody and Taylor Scott expert Testimony which was NOT disclosed in The answer To discovery and this evidence was used as chief it was NOT disclosed because NO Technician found a pair of underwear 4 days later and proved That Detective grant planted A pair of underwear and That There is NO Technician by the Name OF <sup>E.T</sup> grant For This reason grant Identity IN EXHIBIT F Job TITLE NAME badge number was NOT disclosed in The answer EXHIBIT D To discovery which proves The falsity of This case Rule 16 require The government

upon request To disclose its intent To rely On expert Testimony, as well as The content and bases of such Testimony state relied on Taylor Scott false Testimony and Taylor Scott False documents made AT The sentencing hearing To obtain a wrongful conviction and failed To disclose information requested under Rule 16 EXHIBIT C, information said in suit

under Rule 16 Such disclosure Applies TO witnesses  
The government intend TO call and must be in form  
OF a written summary These were prosecutors  
called TO Testify geraldine D'souza bribed judge linn  
TO ignore plaintiff discovery request under Rule  
16, and TO Deny plaintiff petition knowing that this  
information was needed TO go TO trial because  
plaintiff did not plan TO plea guilty plaintiff  
repeatedly ASK for DNA Testing since Day one  
After judge linn was influenced by The bribe  
plaintiff was Denied DNA Testing and Deprive of  
The right TO examine The FALSE DNA evidence  
with his own Appointed expert The information

plaintiff requested for preparation in his defense  
was material evidence in establishing his innocence  
it was immediately suppressed by geraldine D'souza  
State prosecutor TO continue TO maliciously prosecute  
plaintiff IN violation of The 4th Amend  
OF The U.S. constitution AND Deprive  
plaintiff The Right TO DNA Testing  
with his own expert deprivation of  
Due process



plaintiff suffered a deprivation of the right  
TO Access TO the courts which is protected  
by The due process clause of U.S.C.A. CONST.  
Amend 14, and is ALSO part of the right  
TO petition protected by U.S.C.A. CONST Amend 1

Due TO the deprivation of discovery plaintiff  
REQUESTED for plaintiff was unable TO pursue  
his legal claim and deprived plaintiff right TO  
Meaningful Access TO civil courts when these  
conspirators destroyed evidence said through  
This suit upon plaintiff request TO stipulate  
by Agreement TO false evidence and plaintiff

was being subjected TO prosecution because officers  
and prosecutors and forensic scientist ALL  
witheld exculpatory evidence TO deprive plaintiff  
OF Due process OF NOT being Able TO present  
his case constitute A denial of Access TO  
The courts because plaintiff was NOT given the  
materials he needed necessary TO Afford  
reasonable Access TO the court and gave A  
opportunity TO allow Deana Binstock, and  
Richard PAULL TO give A bribe TO Taylor  
SCOTT in Exchange for Taylor SCOTT TO



conspire TO defraud and TO make alleged concealments of the true facts of this case created A false representation of the DNA evidence of This case and changed his Testimony in open court in a manner consistent with prosecutor false case by filing A false document report TO connect plaintiff with this crime on the Basis of false DNA evidence After Taylor Scott on 03/13/09 Testified the type of DNA sample on the Womens underwear was NOT Semen Deana Binstock handed Taylor Scott the false stipulation Document and Taylor Scott then changed his Testimony reading out what was falsely written in the Stipulation Document that was false offered the false writing into evidence knowing that the Document was forged false untrue Taylor Scott conspired TO violate (18 U.S.C.A. 1001(A) (3) When Taylor Scott filed and offered this false Document in exhibit I After being influenced by the bribe skated this report to support police and prosecutor's illegal theories The case rested on this false evidence

plaintiff suffered FALSE arrest and imprisonment when Taylor Scott offered his false document making fraudulent misrepresentation's plaintiff moved pro se prior in the pretrial proceeding in a motion in limine to exclude Taylor Scott admitted false documents and perjured testimony of no probative value for plaintiff could go to trial Judge Linn failed to rule on this motion because Linn planned to use the false evidence at trial and allowed conspirators to present this false evidence to secure a wrongful conviction

Due to the fact that Linn is a member of this conspiracy failure to act and rule on the motion in limine for 2 years in a half amounted to a deprivation of constitutional right actionable under 1983 and a miscarriage

of justice occurred Judge Linn acting under his official and individual capacity participated in the conspiracy after being influenced by a bribe from conspirators ignored plaintiff's petition of Mandamus Relief compelling the courts for DNA

Testing and compelling Geraldine D'Souza to disclose the exculpatory DNA evidence said in suit was not heard at all 25 The plaintiff Mandamus petition in Exhibit N, rather ignored for 1 year

For plaintiff could be Acquitted of These false charges or could use it as A defense at trial Judge linn did not Rule on plaintiff petition at all For 1 year The Mandamus brought Actions Against All conspirators said IN this suit in the State court The petition ALSO requested For a injunction relief TO STOP The proceeding of the prosecution The Facts said in petition IS ALSO said in this suit The Mandamus ALSO was A request for the chief judge To disqualify Judge linn who had knowledge of The ongoing conspiracy and Failed TO Stop IT having the power TO TAKE Action Failed TO do so instead Judge linn The Mandamus Showed evidence Through The Actions filed and Facts That Judge linn participated in The conspiracy done by Racial hate Acting under color of State law conspired TO make false Judgement TO commit fraud TO cover up Others criminal Activity Judge linn filed false documents and used it in open court

and Allowed these conspirators O this suit  
geraldine D'souza, Taylor scott 3; Richard paul  
Deany Binstock; police Detectives TO continue to  
engage in the criminal activity said through  
this suit in order to secure a wrongful  
conviction and frame plaintiff to this crime  
plaintiff did not commit by means of Retaliation  
after learning that a investigation and evidence  
was found that Judge linn engaged in corruption  
by Kathy D. twine executive Director general  
counsel from the Judicial Inquiry board  
brought to Judge linn attention that plaintiff  
filed complaints supported by facts and evidence that showed  
Judge linn found probable cause for plaintiffs  
Arrest when Deany Binstock Assisted Taylor scott  
to offer the false Stipulation Document and  
Testify falsely prior to that linn had knowledge  
that Taylor scott reading out his original notes  
made testified the testimony said through this  
suit and After Taylor scott received this  
false document his testimony was changed  
in front of Judge linn who was laughing

and allowed this to happen because linn was paid to do so for corrupt judgement of probable cause could be made Kathy D. twine Investigated this matter and the motion transcripts of 03/13/07 and videotapes in judge linn court room for this day when this incident occurred she discovered that plaintiff was saying the truth and brought this to judge linn attention acting under color of state law Kathy D. twine failed to report judge linn for corruption because judge linn offered a bribe to Kathy D. twine who accepted it in return for her NOT to discipline / report judge linn corruption and to keep it in secret and close the investigation to prevent judge linn from being sued and his corruption being disclosed to the public judge linn then allowed Deana Binstock, and Richard pull to disqualify themselves without a motion, both disqualified themselves from representation on 03/13/07 same day both assisted Taylor Scott to offer in evidence to be use at trial Thier False Document, perjured TESTIMONIES, They falsely stipulated to

A public defender by the name of Dan Florey was then appointed from the public defenders office by Judge linn to continue to act in concert and to provide misrepresentation plaintiff told Dan Florey what both public defenders Deana Binstock and Richard Pull had done Dan Florey immediately ask for the motion transcripts on 03/13/07 to reveal the corruption at trial and report it Judge linn offered a money bribe to Dan Florey a Assistant public defender from the public defenders office of Cook county Dan Florey refused to accept the bribe offered for purpose to participate in the conspiracy to falsely imprison plaintiff and to conceal and hide the true facts of this case provide misrepresentation, conceal and hide Judge linn corrupt judgement Dan Florey refused to participate in the unlawful plan and continued to ask for the motion transcripts Judge linn then disbarred Dan Florey from the public defenders office Judge linn for purpose to cover up his criminal activity of false corrupt judgement evidence found by the judicial Inquiry board Judge linn without authorization conducted a personal investigation into the evidence of this case



See exhibit M, Page 004

From 08/30/07 to 10/11/07 Judge Lin conducted  
A personal investigation and Altered and removed  
Taylor Scott exculpatory Testimony That said the  
Type of DNA sample was NOT semen TO cover up false judgement  
his criminal Activity Judge Lin Then filed a False document  
During his personal investigation into the facts of this  
case That stated falsely that plaintiff semen was  
Found inside Molly Grierson vagina when A RAPE KIT was  
Completed at the Lincoln Park hospital Knowing that  
This was False offered it into evidence in open  
Court in retaliation for revealing his corruption  
TO the judicial INQUIRY board Judge Lin was  
Acting in the course of his duties when he made  
deliberately misrepresentations offering False evidence  
TO deprive plaintiff of A Fair trial TO Secure

A conviction and should be liable for conspiring  
TO defraud, Accepting money bribes TO make  
False pretenses of this case Assisted police and  
Other conspirators TO file falsified police reports and  
Other False documents resulting in deprivation of  
life liberty and secured False imprisonment  
and states A cause of Action under 1983  
plaintiff exhausted all remedies see exhibit K



Sergeant Kane from the Internal Affairs division was assigned to conduct an investigation to the police misconduct committed by arresting officers and Detectives involved in this case of the said criminal Activity said officers committed in this suit. Sergeant Kane has been investigating this matter for 2 years now under color of state law in her official capacity participated in the chain of conspiracy after she learned through plaintiff complaints that more and more conspirators were participating in the conspiracy to cover up police corruption using the code of silence after Sergeant Kane was given a money bribe by police and Detectives of this case Sergeant Kane conspired to deprive plaintiff of liberty and conspired to falsely imprison plaintiff when Sergeant Kane illegally threw away her Internal Affairs original evidence found in her investigation files because the evidence Sergeant Kane found during her investigation warranted police to be disciplined and showed the corruption said officers committed through this suit.

and evidence Sergeant Kane discovered in other investigation showed that the said police in this suit committed perjury in violation of (18 U.S.C.A) 1621 (1) and made false declarations before court and grand jury in violation of (18 U.S.C. 1623) Sergeant Kane internal Affairs files showed that Detective Louis willfully made false knowing testimonies to the grand jury to receive a indictment see exhibit B, pages 5 testimony of did the victim give police the underwear that she was wearing on that day yes, the defendant Detective Louis knew this testimony was false and material in violation of section 1623 of title 18 of the United States code, and the falsity of the testimony influenced the grand jury to believe that the victim Molly Grierson gave police the underwear that she was wearing on the that day the crime was committed, and on the same day the crime was committed with the plaintiff's semen DNA recovered from the victims underwear this testimony was used as case in chief and the misrepresentation related to an important true fact. That was concealed these conspirators Edward Louis, Geraldine D'souza, Taylor Scott 3, Quintan Pitluck, Richard Paul, Deana Binstock, Judge Linn, All under oath and written in false documents had knowingly made two and more declarations that were false statements regarding the same subject of the underwear and

All their testimony made under oath are inconsistent and different from each other to such a degree that show the falsity of this case and Edward Louis, Nancy Wilder false declarations made before the grand jury here in exhibit, E, Arrest report shows in page 2 of 5

That Molly grierson was Taken TO The Lincoln park hospital late night see exhibit F, and exhibit E, were Molly grierson was treated and examined on April 19, 2005. Shortly AFTER The ATTACK in fact Detective Edward Louis WAS The Detective who TOOK Molly grierson TO The Lincoln park hospital on April 19, 2005. Detective Louis Knew That The Medical Doctors at The Lincoln park hospital collected Molly grierson underwear on April 19, 2005 same day This crime was committed after A Rape KIT was completed when Molly grierson was being treated and examined, at The Lincoln park hospital Detective Edward Louis knowing Made A False statement TO The grand jury under <sup>oath</sup> when he responded That Molly grierson gave police The underwear she worn on The site of The ATTACK shortly AFTER the crime was committed. The False statement Deceived The grand jury TO believe This Geraldine D'Souza Then Made A False declaration in her documents inconsistent with Edward Louis statement TO the grand jury saying That E.T. Grant recovered 4 days later. A pair of Womens underwear from The victims college DORM when E.T. Grant returned TO Molly grierson home AFTER The crime scene TO search for DNA evidence. She then wrote A False document used for prosecution inconsistent and different with Edward Louis and Nancy Wilder False statements given TO the grand jury. Detective Edward Louis Acting under color of state LAW in violation of The Hobbs Act, bribery

(18 U.S.C 1951) Made A corrupt paymOT TO Sergeant Kane, geraldine D'Souza, RichardpaulL, and Deana Binstock, Taylor Scott 3, JudgeLinn who All Agreed TO Accept For purpose TO influence Thier performances in Thier public duties All Made False written documents and used them knowing The False documents contained Misrepresentation and Fraudlent statements of The evidence of This case and concealed The True Facts That were Material done For purpose TO avoid from Telling the truth That The original underwear That Molly grierson worn on The site of The ATTACK was collected at The lincoln Park hospital and was NOT handed TO Detective Edward Louis on The same day this crime was committed, this evidence and Rape kit evidence WAS placed in the DNA chain of custody on April 19, 2005 By Medical Doctors and was Tested showing A DNA match of someone else and was Then illegally Thrown away For This reason False documents, False statements, False declarations before the court and jury was Made with reckless disregarding The truth willfully giving Misrepresentations Sergeant Kane Acting under color of state law conspired TO obstruct justice with reckless disregard TO Misconduct of Police officers knowingly Accepted A bribe by Detective Edward Louis TO influence sergeant Kane TO cover up Edward Louis and police officers evidence Found by sergeant Kane showing The corruption police committed said in this suit sergeant Kane knew the internal files were subject TO subpoena Before trial showing plaintiffs False arrest with corrupt intent sergeant Kane withhold the internal files from plaintiff and destroyed them by Adding False documents providing False misleading information TO cover up police wrong doing

Sergeant Kane Never responded TO plaintiff letters plaintiff Then contact Jody P. Weis Superintendent of The Chicago Police Department and informed Jody P. Weis About police corruption and Detectives corruption and Sergeant Kane corruption Jody P. Weis had knowledge also of the wrongful conspired Acts sergeant Kane has done Jody P. Weis violated the civil Rights Acts, 42 U.S.C. 1986 for Neglect TO prevent Officers and Sergeant Kane wrong conspired done and TO be done Deprivation of mentioned Section 1985 Jody P. Weis Refuse TO investigate and stop Sergeant Kane Sergeant Kane wrongdoing and police wrong doing and Acted with reckless disregard TO conduct of police officers failure of Jody P. Weis Acting under color State law in his official capacity within the meaning of 1983 conspired with police officers and Sergeant Kane TO continue TO Act in concert failed TO investigate plaintiff complaint Addressed TO him; failure TO discipline Sergeant Kane and failure TO stop conspiracy having the power TO do so deprive plaintiff of his

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civil RIGHTS Due TO THE FACT THAT Jody P. Weis Agreed TO Join in The conspiracy in Agreement with police TO accomplish False imprisonment TO deprive plaintiff of his civil rights based on racially discriminatory motive and discriminated plaintiff because of his mental disability jody p. weis Agreed TO cover up using the code of silence police corruption having knowledge of thier wrongdoing could have stop the conspiracy failed TO TAKE Appropriate disciplinary measures TO prevent IT and TO prevent False imprisonment plaintiff reported this crime TO THE F.B.I U.S. Department OF Justice in Washington D.C. 20531 The F.B.I.

Then Appointed Sergeant Robert Vanna a investigator from The Department of police TO investigate The Same Case no. 1007001 sergeant Kane was Assigned TO investigate but instead joined in unlawful conduct sergeant Robert Vanna was Assigned ALSO TO investigate sergeant Kane For The complaints plaintiff had filed Against her For Engagement OF Criminal Activity Due TO The FACT That police wrongdoing was covered up by Jody P. Weis and sergeant Kane False documentations Added in The Internal files

Debra Kirby under the color of State law in her official capacity within the meaning of 1983 Accepted A bribe from the police defendants, and detectives, Sergeant Kane, Jody P. Weis received complaints filed against Sergeant Kane of the Internal Affairs Division who was instructed and assigned to investigate the corruption of the police and detectives said in this suit officers committed Sergeant Kane has received a bribe to offer misrepresentations and false evidence in her internal files after conspiring with police to cover up their criminal activity and to conceal evidence Sergeant Kane found in her investigation that police withheld destroyed exculpatory drug information and evidence that were concealed and suppressed when the false arrest was made Debra Kirby was appointed by Jody P. Weis Superintendent of Police to investigate Sergeant Kane concealment of police activities and refusing to disclose internal files and refusing to turn over to

plaintiff and prosecutors exculpatory information found in her investigation that proved plaintiff was falsely arrested by police Debra Kirby was bribe by Sergeant Kane to conceal and suppress and hide evidence Debra Kirby found through her investigation on Sergeant Kane that revealed that Sergeant Kane was bribed by police to cover up their corruption said in this suit in exchange for her not to disclose her internal files providing information to support the criminal activities police committed said in through all of this suit and supported plaintiff civil rights were violated to make a false arrest police concealed, suppressed destroyed planted false evidence having a obligation to turn over exculpatory evidence did all the above said that affected plaintiff from having a fair trial and was not separate from trial Debra Kirby was bribe to file false letter Exhibit L. to cover up police criminal activity. 34



Federal Judge Wayne R. Andersen Denied plaintiff habeas corpus relief and refused to enjoin in the State prosecution on grounds that plaintiff has not Sought Relief from the trial court or supreme court to support the conclusion that plaintiff did Ask the Supreme court to stop the criminal prosecution on the grounds of what is said in this suit to prevent a wrongful conviction because plaintiff plans to go to trial but under these circumstances said in this suit plaintiff is unable unless the false evidence of no probative value is excluded wayne R. Andersen

without no investigation to plaintiff case to see if he sought relief from the state court or Supreme court which plaintiff did to support this conclusion look at exhibit M, which are Agency and courts plaintiff revealed this corruption to and Ask to conduct investigations and Intercede by stopping this case from going to trial with false planted evidence plaintiff habeas corpus was ignored by Wayne R. Anderson and not investigated and resulted in a miscarriage of justice of continue Act of criminal Activity by conspirators that lead to false imprisonment

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Tom dart cook county Sheriff acted with deliberate indifference to plaintiff serious mental health needs  
IN violation of the Eight Amendment, Fourteenth Amendment of the U.S. constitution Due process

Clause of The Fourteenth Amendment Rehabilitation Act of 1973 29 U.S.C. 794 (A) and by TITLE II OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.

12131 et Tom dart cook county Sheriff was aware that During plaintiff pre-trial incarceration AT cook county jail awaiting trial plaintiff was Ordered by psychiatric Doctors Luke and Dr. brand AT cook county to remain while awaiting trial AT The Residential Treatment unit hospital Mental Institution at cook county For only Mental ill patients awaiting trial Dr. Luke ordered that plaintiff that

plaintiff be provided with proscribed course of treatment plan due to the fact that plaintiff is Diagnosed with Schizophrenia and was Arrested at a Mental Institution plaintiff was NOT Stable TO be moved TO general population which prevented plaintiff from functioning in general without disturbing others Due TO his severe illness at the time plaintiff was recommended TO stay at RTU.

TOM dart acted in deliberate indifference to plaintiff  
Serious Mental health needs when TOM dart transferred  
Plaintiff by means of Retaliation for placing his  
Name in The habeas corpus filed conspired with  
Others said in this suit to deprive plaintiff of  
Mental health treatment to make plaintiff unfit  
to stand trial. plaintiff was transferred without  
Doctors Authorization to Maximum Security ~~Dorm~~  
Away from Dorm setting where plaintiff was being observed  
24 hours of the day at division to Maximum  
Security Mental health treatment did not  
exist at all plaintiff was given the wrong  
Psychotropic Medications was NOT given his  
Psychotropic Meds Daily Dr. brand recommended in  
order for plaintiff to be fit to stand trial  
And stable plaintiff was ordered to receive daily  
his medications and And Therapy in order for  
plaintiff to be stable plaintiff was NOT  
given any medications or No Therapy to stable  
plaintiff disorientated due to the lack of  
treatment Quinton pitluck conspired  
with Taylor Scott, Thomas Dart to deprive

plaintiff of medical care and added with  
 deliberate indifference to plaintiff need and  
 moved plaintiff to general population where mental  
 health care did not exist at all whatsoever  
 public defender Quinton Pittluck had knowledge  
 that plaintiff was not being given the psychiatric  
 treatment ordered by doctors at general population  
 for the purpose to make plaintiff incompetent plaintiff  
 was unfit due to the lack of treatment plaintiff  
 had deteriorated by means of retaliation plaintiff was  
 transferred to be denied psychiatric care and Quinton  
 Pittluck conspired to make a plea negotiation while  
 plaintiff was unfit to find closure to this case  
 plaintiff withdrew his guilty plea through a  
 motion filed within 30 days of the plea arguing  
 due process was violated when the judge relied  
 on materially false unreliable information of Taylor  
 Scott false scientific results presented and Geraldine  
 false testimony based on the false document she filed

plaintiff has also challenged the conviction and because plaintiff has chosen NOT to plea guilty and go to trial prosecutor Geraldine D'Souza a member of the conspiracy is still in the proceeding of this case and has threaten plaintiff to increase the state charges solely because plaintiff chooses NOT to plea guilty constitute vindictiveness Geraldine See exhibit N, plaintiff has also filed these motions with his motion to withdraw guilty plea to correct a miscarriage of Justice challenging the plea not given knowingly and willfully and voluntarily plaintiff requested for the trial court transcripts file to be provided to the indigent plaintiff one of the reason the transcript was needed was to avoid and ensure the transcript was not being altered or destroyed The court Judge Arthur F. Hill JR. participated in the conspiracy and joined in the commission of criminal activity when he accepted a bribe from Judge linn to cover up linn criminal activity See exhibit M the clerk of the circuit court gave Judge linn the motion filed

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Emergency petition Or writ of Mandamus & Injunction relief bringing Actions in The state court Against these defendants Said in The suit including Judge linn showing evidence that A Tort was committed and evidence of this conspiracy was raised and shown of The conspirators as joint Tortfeasors This motion was addressed To the chief judge of the criminal courts building Judge linn was forbidden from receiving this Motion because A Mandamus was filed with this requesting for Judge linn To disqualify himself and the motion showed that Judge linn by Racial Means in his official capacity Acting under color of state law participated in the ongoing conspiracy because plaintiff engaged in protecting his Rights in violation of The 1 Amendment for filing complaints and revealing his corruption To The judicial Inquiry board Kathy D. Twine Judge linn Accepted A bribe by means of retaliation To deny

plaintiff due process of law Due To the fact that Judge linn learned that he was A defendant in The Mandamus and Actions were being filed Against him for alteration of motion transcripts that he failed To disclose To complete his alteration Motion transcripts of Squash arrest held on / 03-13-07, and conducted A personal investigation To this case After learning through motions filed by the plaintiff that were NOT heard or ruled showing false documents ATTACHED as exhibits that were NOT certified by The clerk or NO certification on the Documents existed Judge linn altered and change The docket sheet record To indicate false certificates and false certifications after The clerk forward the Mandamus Motion To Judge linn ATTACH with plaintiff letter prohibiting The clerk To forward the Motion To Judge linn she failed To give IT To chief Judge and by malice gave IT To

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Judge linn TO cover up his criminal activity ~~look~~ AT EXHIBIT M,  
 05/12/08 The motion was assigned to be heard but wasn't  
 This motion of mandamus ASK the court TO compel the state's  
 ATTORNEY TO forward the evidence said in the subpoena in  
 exhibit N, for plaintiff could go to trial and TO stop a  
 wrongful conviction from happening plaintiff ordered DNA testing  
 and showed that these conspirators Agreed with one another  
 in the commission of a conspiracy TO falsify the evidence  
 of this case and all said through this lawsuit acting  
 under color of state law and in their official capacity  
 Judge linn then After receiving the motion by the clerk  
 illegally knowing that it was NOT supposed TO go TO judge  
 linn who made a copy of it and Took off work 05/07/08  
 05/29/08 see EXHIBIT M, and bribed Arthur Hill F. JR

A African American Judge was Appointed by Judge linn and  
 NOT the chief judge after Judge linn received the mandamus  
 and learned that his actions were done by Racial Animus  
 he Appointed A judge of color TO cover up that fact of his  
 Racism and TO mislead that Judge linn is NOT Racist he  
 Also influenced Judge Arthur Hill Jr. TO Accept the bribe  
 which he Accepted TO promise Judge linn that in exchange  
 Acting under color of state law and his official capacity  
 Conspired with Judge linn and Quinton Pittluck public defender  
 who was representing plaintiff and Tom Clart Cook County  
 Sheriff TO deprive plaintiff of psychiatric treatment Retaliation  
 on plaintiff for filing actions in the mandamus Transferred  
 the plaintiff away from a separate living unit he was ordered  
 TO stay and await trial ordered by psychiatric Doctors



written policy and procedures provide that inmates receive clearance by health care personnel with regard to suitability for travel before transfer to another facility or substantial travel for other purposes, here plaintiff was transferred without any reason only to cause harm on plaintiff to deprive plaintiff psychiatric treatment to make him unfit and trick plaintiff to plea guilty while unfit to stand trial or unfit to be sentenced plaintiff was ordered by psychiatric doctors Dr. Brand and Dr. Luke while the plaintiff was at Cook County awaiting trial plaintiff was to be housed in Division 8 a mental health institution for mentally ill inmates only who are to be monitored and closely observed 24 hours of the day Dr. ordered that plaintiff be given at Div 8 in order to be stabilized to stand trial and fit special programs that existed for plaintiff severe emotional disturbances that required close medical psychiatric psychological and habilitative supervision a treatment plan was approved that plaintiff receive supervision which officers were watching plaintiff 24 hours of the day in his living unit for his high risk of suicide plans for care group therapy was approved and appropriate to stabilize plaintiff daily

Medications and counseling consultations, where there are separate units living units for inmates with severe emotional disturbances which plaintiff suffers from and is now in Dixon S.T.C. special treatment center receiving psychiatric treatment a prison unit only for mentally ill patients who require mental health treatment beyond resources available and care, supervision, and mental specialist, who can identify mental illness are assigned to those living units that are separate for inmates with severe emotional disturbances

DOJ standards require that written policy and procedures require that inmates with acute or chronic illness including psychiatric illnesses who require health care

beyond the resource available to the facility an interdisciplinary treatment and procedure require that inmate with acute or chronic illnesses including psychiatric illnesses who require health care beyond the resources available to the facility are transferred or committed to a facility where proper care is available. None of this said in the suit that Dr. required and approved for the plaintiff to receive to be stabilized and fit to stand trial as part of his treatment plan while at Cook County awaiting trial was not given to plaintiff at the new facility where he was transferred in Cook County Maximum Security Division 10, and a unconstitutional transfer was made for purpose to deprive plaintiff the treatment plan psychiatric doctor ordered by means of retaliation in the facility plaintiff was transferred by Tardant after having an agreement of all other conspirators to provide plaintiff with strong psychiatric medications nonconsensual of someone else. Plaintiff then was given his medications psychotropic medications not daily not on time and not by a prescribed physician who has examined plaintiff. Written policy and procedures require that psychotropic medications are prescribed only by a physician who has examined the inmate the person who was given medications to plaintiff was not a physician or did not examine plaintiff. Plaintiff deteriorated and was suffering daily from schizoaffective disorders post traumatic stress symptoms, depression. Due to the lack of treatment plan that did not exist in Div 10 Doctor order to stabilize plaintiff to be fit to stand trial.

plaintiff was NOT being supervised although of the day  
 like doctor ordered for his severe suicidal tendencies  
 plaintiff tried to kill himself by choking himself with  
 A bed sheet plaintiff cellmate called police plaintiff  
 was laying in a pool of blood on the floor police  
 officers at Cook County could NOT identify plaintiff  
 mental disorders because of lack of psychiatric trained  
 police ignored plaintiff and told plaintiff fuc -  
 you and die plaintiff was then taken to court  
 without medications for days and the wrong medications  
 being given to plaintiff when given but NOT on time  
 plaintiff told Quinton Pittluck his public defender  
 about the lack of psychiatric treatment at the  
 facility he was transferred to about his deteriorated  
 mental symptoms schizoaffective disorders due to

no medications and the wrong one's being given plaintiff  
 told counsel to transfer plaintiff to the appropriate  
 different facility where plaintiff could receive treatment  
 public defender for plaintiff laughed and when plaintiff  
 went to court he made a plea negotiation to close  
 the case after planning to do all is said here  
 plaintiff refused to plea guilty in fact plaintiff  
 told the judge when he ASK Are you on medications  
 plaintiff said no your honor due to the fact  
 that judge Arthur Hill Jr. was hired by judge Linn  
 (47) 47

as an original PLA both conspired with several others  
 said in this conspiracy to transfer and move plaintiff  
 to a facility were both assured that plaintiff was  
 not given the treatment doctors ordered or medications  
 to accomplish in making plaintiff unfit and incompetent to  
 stand trial and bribed Quinton Pittluck to make a plea  
 negotiation to find closure of the case because too  
 many people were learning of their corruption and were  
 investigating their corruption. Arthur H. Hill ignored that  
 plaintiff told him he was NOT on medication at the  
 time of the plea and that resulted in a miscarriage  
 of justice and false imprisonment because plaintiff  
 did not plan to plea guilty and planned to go to  
 trial and the plea was NOT given knowingly and  
 voluntarily willfully given or intelligently made by means  
 of retaliation because actions were being filed against  
 all of these conspirators and the conspiracy was raised  
 in the mandamus counsel Quinton Pittluck immediately  
 and Judge Arthur Hill F. Jr. withdrew plaintiff's motion  
 without his consent just to find closure to the  
 case before all of this happened. Arthur Hill F. Jr.  
 promised to perform these acts as a member of the  
 chain of conspiracy after being influenced by the bribe  
 given by Judge Finn in both official capacity. Due  
 to the fact that plaintiff immediately filed a  
 motion to withdraw guilty plea before the 30 days  
 of the plea.



The plea was challenged that the Judge relied on false information, false evidence, false documents presenting false DNA results to obtain a improper sentence and wrongful conviction and that the named conspirators Arthur Hill Jr. Judge Judgelinn Quinten Pittluck public defender for the plaintiff at the time all conspired with Tarrant county sheriff Acting under color of state law and in their official capacity Transfer plaintiff unconstitutional for exercising his rights to filing actions against all individuals by means of Retaliation Failure to comply with plaintiff psychiatric doctor orders and transferred plaintiff to be punished and were deliberately indifference to plaintiff medical needs to waive his rights associated with trial punished plaintiff by giving him the wrong medications and no medications at the time of the plea and before that to receive a unvoluntarily guilty plea by the plaintiffs lawyer who is a member of

The conspiracy while plaintiff was incompetent unfit to be sentenced and unfit to understand the proceeding of the case plaintiff was deprived of his due process rights that prohibits punishment of pre-trial detainees and protects them from excessive force that amounts to punishment and freedom from unwanted psychiatric drugs and due process right to medical treatment and the transfer impaired plaintiff detainee's right to access to trial and right to a fair jury trial. plaintiff also challenged the conviction based on what is said throughout all the lawsuit. These conspirators committed and requested for the Motion for trial transcripts and common law records. See exhibit Q. As an indigent prisoner to establish and prove that plaintiff was not on medication to show the plea was entered while not on medication unfit

(1113) 44

and NOT understandingly given and NOT given intelligently and voluntarily made. Due the denial of psychiatric treatment plaintiff had deteriorated. The judge had knowledge of all said and Arthur Hill accepted the plea. Plaintiff also wrote a letter to the judge Arthur Hill concerning the right to be heard because plaintiff had a legal issue he would like to address and the letter was NOT concerning on the evidence of the case or facts. Plaintiff warned the judge to allow plaintiff to have access to it to ensure that Geraldine D'Souza the state prosecutor a member of this conspiracy still involved in this post-proceeding by Arthur Hill because he is the judge who is also a member of this conspiracy, does NOT alter or destroy the transcripts plaintiff requested for the transcripts to assure of this to prevent alteration of the transcript and because plaintiff had a strong defense to withdraw his guilty plea because the judge had knowledge plaintiff was NOT on medication. The record demonstrated this and because plaintiff would have been successful in challenging a attack on his conviction of the plea NOT being given voluntarily and knowingly and plaintiff would have been successful in showing this in the suit and habeas corpus ineffectiveness assistance of counsel Arthur Hill the judge who is a member of the conspiracy assured that plaintiff does NOT receive the transcripts because Geraldine D'Souza bribed Arthur Hill again.

~~(444)~~ 50

TO continue an ~~OR~~ Act of The CONQiracy design in agreement after learning through plaintiff prose letter to Judge Arthur hill That The Transcripts were Needed as A Defense Because Arthur hill Accepted The plea while plaintiff was NOT on Medication psychotropic Meds That is and The Judge was warned That geraldine D'souza within a period of TIME of The Statutes of limitations has caused over Acts of covering up her wrongdoings by falsifying court Records after hearing were plaintiff is coming from through his motions To weakened his defense in his case because Arthur hill promised in exchange of the bribe from geraldine D'souza that he will ignore and NOT hear at all plaintiff's motions filed And pass them to geraldine D'souza TO cover up everything said of wrongdoing of These conspirators in their motions for their own self protection and Arthur hill was warned that geraldine D'souza has planned To Alter The transcripts for this reason geraldine D'souza Delayed and bribed The court reporter NOT TO disclose and furnish The plaintiff with The free transcripts requested for in exhibit Q, because and Agreement was made between Arthur hill Jr. geraldine D'souza plan among each other TO deny plaintiff of The request

in exhibit Q, TO Alter and change The transcripts for this reason The transcripts were withheld and NOT given at all TO plaintiff TO provide FALSE misleading information for Those who observed The transcripts That transcripts Now falsely say at The Time of The plea ARE you on psychiatric medications Actually yes when reality plaintiff said Actually NO This was Done for purpose TO create a false transcript TO mislead The Appellate courts, and civil courts That plaintiff was on medications at The time of The plea because there are psychiatric Doctor records for the state That say in order for plaintiff to be fit to stand trial plaintiff must be on medications and These conspirators knowingly participated in A scheme and plan to defraud



by Alteration of transcripts To make False pretenses To cover The Judge unfair corrupt judgement Fraud was made To prevent plaintiff in obtaining motion To withdraw guilty plea relief and was done for purpose because plaintiff attempted To withdraw his guilty plea and The trial transcripts now provides misleading False Facts Deceiving To believe The eyes who observe The transcripts That The plea was made falsely knowingly willfully and voluntarily given while plaintiff was on medication and fit To stand Trial The False statements in The transcripts conceal The True Facts That plaintiff was NOT on medication at the time of The plea because geraldine D'souza and Arthur hill conspired and planned A scheme To defraud after obtaining money To Misuse Thier official power conspired To make Misrepresentation in The trial transcripts plaintiff suffered significant risk of prejudice when The indigent plaintiff was deny free transcripts For purpose To be Altered and changed and DESTROYED

and violated The equal protection clause and caused a injury To plaintiff and prejudice because now The Judge Arthur hill JR. has perjured himself when he offered The False misleading Altered transcripts knowing They were Altered and changed To deprive plaintiff The Right To withdraw his guilty request was made timely with all These issue raised in This suit Thier warrants a 2 chance For justice Arthur hill False statement was offered on 3/31/09 and violated The statute OF TITLE 18, UNITED STATES CODE SECTION 1503, conspired To obstruct justice and is responsible For assisting geraldine D'souza To Alter and change The transcripts requested For in Exhibit P, and then presented The False Altered transcripts into evidence and spoke about judge linn corruption evidence He found and Told The typist To stop typing and talk about how judge linn falsified evidence in This case having a duty To disclose This information

After being influenced by The bribe Spoke Out of The record please review The record To support This fact it would verify That Arthur H. Hill has gone Many Times of The record To conceal Facts of Judge Linn criminal Activity evidence That Judge Arthur Hill has found and Failed To disclose in violation of 1001, which prohibits making falsifications of matters required a person To provide prohibits concealing material Facts having a duty To Disclose Judge Arthur Hill had A duty disclose The evidence on record he talked found That Judge Linn committed misconduct and falsified Records of This case To bring Justice on plaintiff The judge had A duty To disclose but Failed To disclose To Deny plaintiff effective Appellate Review of court reports Examinations plaintiff also filed Motion For DNA Testing post-conviction DNA Testing and The subpoena information discovery information That was NOT disclosed in The pre-trial proceeding To receive DNA Testing relief and show That plaintiff is innocent

To Accomplish a continued malicious prosecution and A over Act of The evidence That was destroyed of The conspiracy already complete Judge Arthur Hill and Geraldine D Souza and Eileen Pahl Public defender and Judge Linn conspirators came together and actually Agreed That Geraldine D Souza suppress The exculpatory evidence, and DNA evidence plaintiff requested To be subpoena, in exhibit N, was Intentionally ignored and NOT ruled on or NOT heard because Geraldine D Souza destroyed This DNA evidence To Deny plaintiff post-conviction DNA Testing Arthur Hill was Then paid NOT To hear or Rule on The Motion For DNA Testing because he is A Member of This conspiracy and This is sufficiently attributed legal causation To officials For purpose of stating malicious prosecution claims against These conspirators under Illinois law.

Arthur Hill was then bribed to deprive plaintiff of the right to a Bar Association attorney before the plaintiff was appointed with a public defender from the same public defenders office of Deana Binstock who is prohibited from representing plaintiff before Eileen Pahl was appointed to provide an over act of criminal activity plaintiff filed a motion to disqualify public defender from the same law offices of Deana Binstock and appoint a Bar Association lawyer to support this conclusion see exhibit O Acting under color of state Eileen Pahl received a bribe from

Deana Binstock to provide misrepresentations to cover up Deana Binstock criminal activity said in this suit failed to reveal counsel misconduct and participated in the conspiracy to defraud <sup>exhibit P.</sup> pg. 3 Eileen Pahl falsely said that Richard Pahl filed a motion to suppress DNA testing. The truth is Richard Pahl only wrote

this on the motion but Richard Pahl never raised this issue at all in court on 1/03/07 hearing because he planned to file a false document and testimony on the day of the hearing plaintiff filed pro-se motion in limine to bar the state from presenting DNA evidence not counsel see exhibit K. and offered a false document of stipulation Acting under color of state law defrauded to continue to act in concert

This section which is relevant part creates a  
 cause of action for conspiracies to deter any part  
 or witness in any court of the United States from  
 attending such court or from testifying to any  
 matter pending there in these conspirators are  
 still involved in plaintiff post proceeding for purpose  
 to continue to commit over acts in violation  
 of the criminal code 1961, and under section  
 1985 to 1996 (A) plaintiff request for a  
 injunction relief and declaratory relief and  
 stop these defendant and judge from going any  
 further with this case and enjoin the state  
 prosecution plaintiff will suffer irreparable injury  
 if Judge Arthur Hill and Geraldine D'Souza who  
 are influenced by bribe are not removed from this  
 case along with other members of this conspiracy  
 plaintiff prays the court issue appropriate orders  
 to prevent these conspirators from engaging in  
 the same type of endeavor as engaged in  
 Racketeer influenced and corrupt organizations  
 Act (RICO) plaintiff request for injunction  
 relief against fraud, bribery, false statement  
 misrepresentation that continue to occur

Police officers should be liable for giving a mutual understanding on 1983 civil rights to deprive plaintiff Fourth amendment Rights police Superintendent and Sergeant Kane engaged in cover up of police corruption participated in the conspiracy made misrepresentation on false documents refused to investigate plaintiff complaints and failed to discipline police officers state a claim of conspiracy to deprive plaintiff of constitutional rights by false arrest police conspired to use the fruit of the arrest and search to be planted as evidence to convict plaintiff plaintiff suffered loss of income property, false imprisonment when the false evidence was planted, police engaged in illegal activity in concert with these defendants beyond the scope of their duties and the serious misconduct committed by police and detectives extent that it infringe constitutional protected rights of plaintiff for deprivation of rights under color of state law analyzed under The Fourth Amendment is Actionable under 1983 plaintiff stated A claim for wrongful arrest wrongful search and seizure deliberate indifference to plaintiff constitutional rights city Failure to train and supervise police officers false imprisonment Malicious prosecution Abuse of process intentional infliction of emotional distress defamation, and invasion of privacy offering bribes



Actions could be maintained under 1983 for each police man and state official named who acted under color of state law and conspired to falsely arrest and imprison and prosecute plaintiff and loss of liberty for the alleged falsification of documents attached as exhibit in this suit offered into evidence against plaintiff giving false testimony under oath judges, prosecutors, police detectives public defenders filed false documents to cover up each other criminal activity for their own self protection and to frame plaintiff to this crime in retaliation for disclosing their corruption to the Agency said in this suit all in violation of plaintiff constitutional rights under due process. 42 U.S.C.A. 1985(3) prohibiting conspiracies

for purpose of depriving either indirectly or directly any person or class of person of equal protection of laws or of legal privileges and immunities under law these defendants and judges had the potential to stop illegal activities but failed to do so and participated and conspired in illegal activities and should be held liable

for the consequences of the alleged conspiracy to violate civil rights and damages caused by over acts of the conspiracy that occurred within period of Statute of limitations and continue to occur in the post-proceeding pending case in Cook county criminal courts building the same conspirators are still involved in this case to continue to act in concert  
(54) 57



These conspirators defendants violated clearly the following well established Federal constitutional rights of plaintiff. There was no probable cause for the arrest of plaintiff. Warrantless arrest done with no legal cause to seize plaintiff from his place of residence and police conspired to make a wrongful arrest, ignore and destroy and conceal exculpatory DNA evidence that match someone else NOT plaintiff. Manipulated a line-up, seize a warrantless DNA buccal swab by force to be planted as evidence. Planted the DNA buccal swab on a pair of underwear that was NOT the original pair collected at the Lincoln Park hospital. Misinterpreted it as semen knowing that in fact it was saliva. Presented the false evidence falsified police reports in effort to obtain a conviction. Police officers were acting under color of state law and are responsible for all the wrongs said committed in this suit resulting in significant restraint of liberty and violation of Federal constitution free from unlawful arrest, detention, false arrest, malicious prosecution. The arrest was unlawful because it was not accomplished without due process of law. Conspired to violate the

14th Amendment illegal seizure, invasion of privacy, unreasonable seizure of person, due process violation which prohibits from deliberately fabricating evidence and planting evidence to frame individuals to crime they did not commit. Done by racial animus conspired among all parties engaged in falsification of evidence participated as aid and abettor to commit Federal offenses to frame plaintiff to this crime. Violation of the 14th, Equal protection laws and 1, 4, 5, 8, 9, 13, 14, Amendment for participating and planning in Agreement all Defendant

participated in Intentional Deprivation of plaintiff civil rights and planning a False arrest, and False imprisonment, and participated in A conspiracy with More than one Actor The civil rights of civil rights statute of The conspiracy were violated These conspirators engaged in corruption criminal Activity civil conspiracy over a period of time in common purpose to Accomplish False imprisonment by unlawful Means Deprived plaintiff of his sixth Amendment Right to Jury trial, deprivation of constitutional or statutory rights generally Access to the courts plaintiff REQUEST for injunction relief and STOP The state court Judge From preventing him going any further with The case because he is A member of This conspiracy allegedly induced by A bribe given by A party of This conspiracy and has participated with other conspirators in concert effort to deprive plaintiff of his civil rights plaintiff is

Experiencing continuous on going harm by These conspirators who continue to engage in illegal enterprise of (RICO) crimes plaintiff REQUEST for A crime control injunction and to stop The pending proceeding and enjoin in This racketeering Activities plaintiff is seeking relief under 18 USCA 1964 (A) anti Trust laws and Equitable relief and A civil investigation and injunction relief Against Fraud plaintiff will suffer Future violations if injunction is NOT issue plaintiff will suffer serious harm by These conspirators continues constitutional violations continue to occur and plaintiff is now in danger of being transferred to Cook county by means of Retaliation to be harm by These conspirators and to be charged with More charges because plaintiff chooses NOT to plea guilty because plaintiff has filed This suit and disclose These conspirators criminal Activity an over Act of The Already complete conspiracy will Be Done over Again

## VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

Injunction Relief, Money DAMAGES Awarded of 15 Million dollars  
For violation of plaintiff Federal rights nominal damages, compensatory damages,  
punitive damages, Monetary DAMAGES Awarded for loss of liberty pain and  
Suffering, For wages plaintiff lost of 3 years without work This is a  
On going conspiracy plaintiff is still suffering harm by these defendants because  
They are still involved in plaintiff case post proceeding motion to withdraw guilty plea  
Plaintiff goes to court on this month criminal court building and

plaintiff constitutional rights are  
continued to be violated  
by the said Defendants

## CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this ~~3~~ <sup>April</sup> 3 day of ~~3~~, 2009

Ruiy marts

(Signature of plaintiff or plaintiffs)

Luis Martinez

(Print name)

K89831

(I.D. Number)

2600 N. Brinton po. Box 1200

Dixon Ill. 61021

(Address)

A P P E N D I X

- Exhibit A Doctors order placing plaintiff in intermediate care facility
- Exhibit B indictment Showing Detective Edward Louis Nancy Wilder's saliva sample as semen <sup>Misinterpreting plaintiff</sup>
- Exhibit C Showing plaintiff's request for the DNA information that matches someone else
- Exhibit D The undisclosed information Geraldine D'Souza illegally threw away said in suit
- Exhibit E The false arrest report done by police filed illegally with the clerk
- Exhibit F The false writing Richard Paul done said in suit
- Exhibit G The false letter done by Althea K. Welsh covering up counselor's criminal activity
- Exhibit H The false stipulation document done by Geraldine D'Souza and Richard Paul <sup>Dean Binstock</sup>
- Exhibit I false document done by Taylor Scott
- ~~Exhibit J~~ \_\_\_\_\_
- Exhibit K Showing plaintiff exhaustion of remedies and forced to file his own motion
- Exhibit L Debra Kirby false letter after failing to reveal Sergeant Kane's corruption
- Exhibit M Showing plaintiff ask the supreme court to stop prosecution before going to federal courts
- Exhibit N information plaintiff requested but was suppressed to continue malicious prosecution
- Exhibit O Showing exhaustion of remedies and warning against another p.d.
- Exhibit P Eileen Paul written letter praising misrepresentation
- Exhibit Q Showing plaintiff request for trial transcripts
- 
- Exhibit 2 plaintiff indigent status to support plaintiff is indigent
- Exhibit 3 showing plaintiff effort to obtain counsel

Name: <u>Martinez Luis</u>		First	Middle	MHDD ID# <u>000855892</u>	Socia. No. <u>31808-4348</u>	Date Completed <u>1/27/06</u>
Admitting Address: <u>Undisclosed</u>				City	State	Zip
NOTIFICATION OF DISCHARGE/TRANSFER TO: <u>1cp</u>				Birthdate <u>7/26/78</u>	Marital Status <u>5</u>	
RCP = Recipient GRD = Guardian				ATT = Attorney REL = Relative	PAR = Parent (if minor) Other	
RECIPIENT WILL BE RELEASED TO:				Religion <u>Catholic</u>	Sex <u>M</u>	Race <u>AM</u>
Name: <u>Self</u>				Facility Name <u>Madden</u>		
Relationship:				Fac. No. <u>54</u>		
Recipient will reside at this address:				Unit <u>Par 2</u>	Subunit No. <u>4380</u>	
AC Phone:				Medicare No.:		
Discharge GeoCode:				Discharge Planning Area:		
Referral After Discharge from Facility: <u>jail</u>				DPA No.		
DMH Grant Agency (Grant)				PVT Practitioner (Priv)		
DMH Org Unit (Unit)				DASA Agency (DASA)		
DMH Purch Care (DMHPC)				VA Facility (VAFac)		
Comm Int Living Arr (CILA)				Court (Court)		
Non-DMH Fund Agency (XFund)				Out-of-State (OutSt)		
				Hospital (Hosp)		
				Jail (Jail)		
				Absent/UA (A/UA)		
				Non/Refused (Refus)		
				Non (XNeed)		
				Other (Other)		
Aftercare Plans: <u>We were trying to place him in supervised living situation</u>				Medications and Dosage at Discharge <u>While here on</u> <u>Sertraline 100mg q AM</u> <u>Tragadone 100mg qh</u>		
Discharge Type: <u>ABS</u>				ABS = Absolute PRE = Pre-Discharge		
				CD = Conditional Discharge TRF = Transfer		
Discharge Movement: <u>OT auth</u>				Pre-disch Linkage Activity Code: <u>XLINK</u>		
REQUEST Abs=Rec-Fab-Grdn Request				VOLXUA Abs=Vol-Admin/absent-not UA		
FACDIR Abs=Fac Dir-Staf Initiated				INVXUA ABS=emerg-jud/absent-not UA		
MHCRT Abs=Mental Health Court				VOL/UA Abs=Vol-Adm/absent-report UA		
CCOURT Abs=Criminal Court				INV/UA Abs=Invol=emerg-jud/absent-report UA		
DEATH Abs=Death				RELATV Cond=relative		
OTAUTH Abs=Other State/Othr Authrty				OTHER Cond=other		
NGRICR Abs=Cond Release NGR1				LIMITD Cond=limited		
VAHOSP Abs=VA Hospital				COMMPL Abs/Cond=Community Placement		
Aftercare Code:				CTT = Continuous Treatment Team		SPCOC = Special Provisions/Continuity of Care
Discharge Authorized by: <u>G. Espinoza</u>		Discharge Approved by: <u>[Signature]</u>		Recipient/Guardian Signature:		
Date of Admin: <u>1/3/06</u>	Time of Admin: <u>19:00</u>	Date of Disch: <u>1/26/06</u>	Time of Disch:	Summarized by (Name/Title): <u>Donna Ballard</u>		Date Completed: <u>1/26/06</u>
				SOF Caseworker		

Report Date: 1/26/2006

Illinois Department of Human Services

Page 1

## DISCHARGE/TRANSFER SUMMARY

Date of Last Revision: 04/25/2005

Must be completed prior to actual termination of services

BE SURE APPROPRIATE AUTHORIZATIONS TO RELEASE INFORMATION ARE SIGNED AND WITNESSED

Report #57

EXHIBIT B, 1

1 IN RE: PEOPLE VS. LUIS MARTINEZ

3 GJ NO 2637

4 ARR DATE 2-23-06

5 06 CR 3231

7 BEFORE THE SPECIAL GRAND JURY OF COOK COUNTY,  
8 JANUARY, 2006

9  
10 TRANSCRIPT OF TESTIMONY TAKEN IN THE  
11 ABOVE ENTITLED MATTER ON FEBRUARY 1, 2006.

12  
13 PRESENT: MS. NANCY WILDER  
14 ASSISTANT STATE'S ATTORNEY

15  
16 REPORTED BY JOSEPH A. SZYBIST  
17 CERTIFIED SHORTHAND REPORTER  
18 ILLINOIS LICENSE NO. 084-1752

19  
20  
21 LIST OF WITNESSES:

22 DETECTIVE LOUIS  
23  
24



1 THE FOREPERSON: Raise your right hand,  
2 please.

3 (Witness duly sworn.)

4 MS. WILDER: Good morning. My name is  
5 Nancy Wilder. I am an assistant state's attorney  
6 in the sex crimes unit of the Cook County State's  
7 Attorney's Office.

8 I appear before you today asking for  
9 a True Bill in January 2637 charging the defendant  
10 Luis Martinez with the felony offenses of  
11 ~~aggravated criminal sexual assault, criminal~~  
12 sexual assault, aggravated kidnapping, kidnapping  
13 and unlawful restraint for the offense committed  
14 on April 19, 2005, against the victim Molly  
15 Grierson.

16 The Grand Jury does have the right  
17 to subpoena and question any person against whom  
18 the State's Attorney is seeking a Bill of  
19 Indictment, or any other person, and to obtain and  
20 examine any documents or transcripts relevant to  
21 the matter being prosecuted by the State's  
22 Attorney.

23 DETECTIVE LOUIS,  
24 having been first duly sworn, was examined and

EXHIBIT B

3

1 testified as follows:

2 EXAMINATION BY

3 MS. WILDER:

4 Q. Detective, have you been sworn?

5 A. Yes, I have.

6 Q. Could you please state your name, your  
7 star number and unit of assignment for the ladies  
8 and gentlemen of the Grand Jury.

9 A. Detective Edward Louis, L-o-u-i-s, star  
10 20755, I am assigned to Area Three, Homicide.

11 Q. And, ~~detective~~, as part of your duties as  
12 a Chicago Police detective, did you receive the  
13 follow-up investigation of the sexual assault case  
14 involving the victim Molly Grierson?

15 A. Yes, I did.

16 Q. Did your investigation show that on the  
17 date that this assault took place, April 19, 2005,  
18 that Molly Grierson was a 19-year-old DePaul  
19 freshman?

20 A. Yes.

21 Q. Did your investigation further show that  
22 on that date Luis Martinez was 27 years of age and  
23 was a stranger to Molly Grierson?

24 A. Yes, he was.

1 Q. Did your investigation further show that  
2 on April 19, 2005, at approximately 2:30 in the  
3 morning that Molly Grierson left her freshman dorm  
4 and began to walk to Osco?

5 A. Yes.

6 Q. As she walked in the vicinity of 944 West  
7 Fullerton in the City of Chicago, County of Cook,  
8 State of Illinois, did Luis Martinez come up from  
9 behind her and grab her?

10 A. Yes, he did.

11 ~~Q. After he grabbed her, did he then drag~~  
12 her to the back of a business located in that  
13 vicinity and throw her to the ground?

14 A. Yes, he did.

15 Q. Did he tell her to stop struggling and  
16 she wouldn't get hurt?

17 A. Yes.

18 Q. Did the victim suffer bruised wrists from  
19 the defendant's actions in throwing her to the  
20 ground and holding her hands above her head?

21 A. Yes.

22 Q. Did he then remove her pants and force  
23 his penis into her vagina?

24 A. Yes, he did.

1 Q. Okay. After the victim -- sorry -- did  
2 the victim give the police the underwear that she  
3 was wearing on that day?

4 A. Yes.

5 Q. Was the defendant's DNA recovered from  
6 semen on that victim's underwear?

7 A. Yes.

8 Q. Did she also identify the defendant in a  
9 lineup?

10 A. Yes, she did.

11 MS. WILDER: ~~Nothing further.~~

12 THE FOREPERSON: Thank you.

13 (Witness excused.)

14 (Whereupon the Grand Jury was  
15 left alone to deliberate,  
16 after which the following  
17 proceedings were had.)

18 THE FOREPERSON: True Bill.

19 (Whereupon the above-entitled  
20 cause was continued  
21 for arraignment before  
22 the Presiding Judge of  
23 the Criminal Division.)  
24

STATE of Illinois }  
County of Cook }

SS

2007 JUN 14 PM 12:41

CLERK OF CIRCUIT COURT  
CRIMINAL DIVISION

DOROTHY CLERK  
ROWN

IN the Clerk of the Circuit  
Court of Cook County Criminal Division

PEOPLE OF THE STATE OF ILLINOIS

-VS-  
LUIS MARTINEZ

} NO. 06-CR-3231

} Petition for Review  
for A indigent person  
Requesting for Documents  
Under freedom Act of  
information Illinois freedom  
of information Act  
Found in Section 140/1

I am a pretrial Detainee humbly request-  
ing Any and all Criminal Documents in  
formation to case Number # 06 CR 3231 from  
the Cook County clerk office of public re-  
cords the public Defender Assigned to re-  
present me in defense Deana Binstock has  
Failed to provide Me information regarding the  
Alleged evidence the State intends to use And  
Failed to provide Me with copys And let Me  
inspect the requested Documents Defendant  
request for under Rule 207, Rule 16, Disco-  
very request And inspection grand Jury indictment  
Transcript, and all inventory slips Line-up CS PR  
photos, Line-up Advisory Form Line-up  
reports, Buccal Swab consent Form, along

with any and all inventory numbers, any record files Based on who conducted the Buccal Swab and any and all inventory numbers given, Copy of Buccal DNA Lab report, and results and DNA Experts testimony Buccal Swab Chain of custody, all inventory slips and incident to arrest forms, Motion transcripts, police reports complaints, Municipal transcripts, any and all inspection, testing, comparison, results and photographing, expert statements Based on results test conducted chain of custody of the clothing evidence inventory numbers of the clothing evidence any and all copies of exhibits, copy of exhibit 1 B, Any Attorney work product Time Line, Any LAB Notes, Copies of LAB reports, Any photograph of physical evidence, Defendants prior record, Documents and tangible objects books, papers, documents Reports examinations and test, photographs of any test results Scientific test or experiments Copies Grand Jury transcripts and Grand Jury minutes, under Rule 417, Copies of All DNA evidence and experts testimony copies of the case file including all reports memoranda, notes, phone logs, Contamination records and data relating to the testing performed in the case Reports explaining any discrepancies in the testing observed defects or Laboratory errors, as well as statements for reason for all those errors,



Court by receiving the following Documents to prepare for my Defense and humbly pray that this petition be granted.

Affidavit

I Luis A. Martinez being first duly Sworn upon oath that I am the person in the above and that I am Unable to pay for these expenses And I hope and pray that the Court would find it in thier heart to pay for these expenses

Thank you

Respectfully  
Luis A. Martinez

Duplicate  
7-31-07  
700

07-2-07  
RECEIVED

2007 JUL -9 AM 10:49

Dear Cook County Circuit Clerk's Office

CLERK OF CIRCUIT COURT  
CRIMINAL DIVISION

DOCT  
CLERK  
ROWN

To whom it May concern,

I Luis A. Martinez am a pre-trial Detainee in My earlier first written letter send to your office received by a Associate at your office on 5-24-07 regarding My request to recieve if possible all Criminal documents to my case number 06cr3231 a letter was send back to me on 6-1-07 by one of your Associates at your office and that letter Stated that More information was needed from Me and a case number in that letter they also stated IF I wish the court to review My request Submit My petition or Motion to this office and send an original plus two(2) photocopies And they also requested that I include a case number and that letter also stated that your office will Schedule it on the court call for a Judicial consideration it also stated After a Judge rules on My Matter your office will send Me the Judges rule on My petition Filed I filed A petition a Month ago requesting Some specific Documents named in that petition I am very concerned If My petition was received and was scheduled for a court call for a Judicial consideration which I wish the court to review My petition I Followed all the steps requested by your Associates in thier previous letter which I also send an original plus 2 photocopies of My petition Filed and I also included the case number to this case Requested And I listed it in My petition

Filed And that case Number is 06-cr-323  
I have No Knowledge if my petition was granted  
because I have Not been informed or contacted  
by anyone in your office for a Month Now regarding  
if the petition was filed to the court and a court  
date was given for the Judge to make his ruling  
on that manner and was it forward and scheduled  
to the court call for a judicial consideration or  
has A Judge ruled on that manner which basically  
I have No Knowledge about what happend to my  
petition I also filed an Affidavit Sworn under  
Oath that I Luis A. Martinez hope and pray  
that I receive the following documents requested  
in my petition which will help me prepare A fair  
defense if received the following documents under  
The illinois freedom act of information Act Found  
in section 140/1 and I sworn under oath that  
I am indigent and unable to pay for the cost  
of such documents there fore I pray that the  
court will grant my petition And pay for the cost  
of the expenses of the documents Needed I know  
that your office is A very busy office I humbly  
ask when you have the time can you please  
keep me informed and contact me regarding this  
situation and can you please inform me from your  
experice how long does it usually take before a  
Judge Make his decision and Makes a ruling on  
petitions Manner which I have No Knowledge  
of Thank you for your time and hope to hear  
from you soon

Sincerely  
Luis A. Martinez

Exhibit D

STATE OF ILLINOIS) )  
COUNTY OF COOK ) SS.

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
 )  
 vs. ) 06CR-3231  
 )  
 LUIS MARTINEZ )

EX-111-111  
DEC 21 2006  
COURT

## ANSWER TO DISCOVERY

TO: Attorney of Record

Now come the PEOPLE OF THE STATE OF ILLINOIS, by their Attorney, RICHARD A. DEVINE, State's Attorney of Cook County, Illinois, through his Assistant, Geri D'Souza, and answer the defendant's motion for pre-trial discovery as follows:

1. (a) Bill of Particulars:

Date: On or about April 19, 2005

Time: At approximately 2:30 - 3:30 am

Location: At or near 944 W. Fullerton, Chicago, Il.

- (b) The physical description of the location of the occurrence is contained in the police reports tendered to the defense in open court.
2. (a) The people may or may not call the following persons as witnesses to the trial of this cause:

Molly Grierson  
Hannah Ronning  
Nora Kase  
ASA Nancy Wilder  
Christopher Webb, ISP  
Kelly Behle, ISP  
Kelly Ashton Hand, ISP  
Kathleen Kozak, ISP  
Personnel from Lincoln Park Hospital  
Personnel from Planned Parent-Hood

CPD  
E.T. Kumiga #15998  
D. Grant #5284

M. Dombeck #17160  
Det. E. Louis #20755  
E.T. Price #4894  
W. Schober #20542  
B. Ortiz #10016  
R. Peck #20711  
H. Flores #11161

Personnel from Crime Lab, any person named in police reports, arrest reports, inventory sheets, medical reports, laboratory reports, Preliminary Hearing or Grand Jury transcripts, evidence reports, or any other document tendered to or available to the defense.

Any witness needed to establish the chain of custody for physical evidence sought to be introduced at trial.

- (b) The following witnesses made oral statements:

None

Written statements, if any, have been tendered to the defense in open court.

- (c) All memoranda reporting or summarizing oral statements made by witnesses are contained in the police reports tendered to the defense in open court.
3. The People may or may not call any or all persons listed in 2  
(a) as occurrence witnesses at the scene of the offense or at the time of arrest.
4. (A) Written or recorded statements of the defendant or co-defendant(s), if any, have been tendered to the defense in open court. The date, time, and place of such statement(s), the circumstances under which it was made and the witnesses to the making or acknowledgment of the statement(s), are contained in the police reports tendered to the defense in open court.
- (b) Summaries of oral statement(s) of the defendant or co-defendant(s), if any, the date, time, and place of such statement(s), the circumstances under which the statement(s) were made, and the witnesses present are contained in the police reports tendered to the defense in open court.
5. The transcript of the Grand Jury minutes and/or Preliminary Hearing, if any, will be made available to the defense for inspection and copying upon being received by the People.
6. (a) The following articles, if any, may or may not be offered into evidence by the People at the time of the

trial of this cause:

Inventory #10520806 1 pair Women's underwear.

Inventory #10683267 Consent to Collect Biological samples.

Inventory #10683262 Buccal swan collection kit.

Inventory #10683372 Photo spread advisory form.

Photographs, plats, charts, diagrams, illustrations, maps, any property inventoried by the Chicago Police Department and reflected in inventory receipts, copies of which are contained in the court file and also available for inspection and copying, certified copies of convictions and certified copies of auto records.

Any and all other property mentioned in the police reports, arrest reports, medical reports, laboratory reports, Preliminary Hearing or Grand Jury transcripts or any other document tendered to or available to the defense in open court.

- (b) The date, time and place of acquisition, the persons involved in the acquisition and the circumstances of the acquisition of the articles are contained in the police reports tendered to the defense in open court.
  - (c) The people will comply with all reasonable requests for inspection by the defense.
- 7. Reports of experts, if any, made in connection with this particular case, including the results of physical or mental examinations, scientific tests, examinations, and comparisons, will be tendered to the defense upon being received by the People.
  - 8. Please see 6 (a) for any books, documents, photographs, and tangible objects obtained from or which belonged to the defendant which the People may or may not use at the trial of this cause.
  - 9. The People have no knowledge at this time that any of its potential witnesses have criminal convictions.
  - 10. The People intend to use certified copies of all convictions of the defendant, if any exist, for purposes of impeachment during the trial of this cause. The record of these convictions is available for inspection.
  - 11. The People may or may not rely on the following prior acts or convictions of the defendant of a similar nature for proof of knowledge, intent, motive, scheme, or design:



None

12. The dates, times, places, circumstances, results, and persons present at any identification confrontations involved in this cause are contained in the police reports tendered to the defense in open court.

Any photographs available to the People which were used in connection with any photographic identification will be made available for inspection.

Any lineup photographs available to the People will be made available for inspection.

13. No electronic surveillance was employed in connection with this cause.
14. Any evidence which was acquired by the execution of any legal process, whether a search warrant, arrest warrant or other process or court order, is listed in 6 (a) and in the police reports and other documents tendered to the defense in open court, if such process was used.

A copy of any legal process executed in connection with this cause will be available for inspection and copy if a copy is not in the court file.

15. No informant that the People intend to call as a witness in the trial of this cause exists.
16. The People are unaware of any evidence or witnesses which may be favorable to the defense in this cause.
17. The People will comply with lawful orders of Court in this cause.

RICHARD A. DEVINE,  
State's Attorney of Cook County

By:

Geri D'Souza  
Assistant State's Attorney

FINAL APPROVAL

CB #: 16431078

IR #: 1143693

YD #:

RD #: HL310333

EVENT #: 0511121394

## CHICAGO POLICE DEPARTMENT

## ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60663

(For use by Chicago Police Department Personnel Only)

CPD-11.420C (REV. 8/30)

Exhibit E

Name: MARTINEZ, Luis A

a.k.a Collazo, Anthony

DOB: 26 July 1978

AGE: 27 years

POB: Illinois

SSN: 318-68-4348

DLN: 63552178212M -IL

Male

White Hispanic

6' 00"

230 lbs

Brown Eyes

Brown Hair

Short Hair Style

Light Complexion

Marks: Tattoo "Laura" on Lower Right Arm

Arrest Date: 26 January 2006 13:30

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 1200 S First Ave

Beat: 3100

Dependent Children? No

DCFS Ward ? No

Maywood, IL

233 - Hospital Building/Grounds

Holding Facility: District 019 Male Lockup

Resisted Arrest? No

1

Offense As Cited 720 ILCS 5.0/12-14-A-2

CSA - AGG CRIML SEX ASSAULT - BODILY HARM

Class X - Type F

Victim

Grierson, Molly

Felony Review : Approved 26 JAN 2006 23:58

Wilder, Nancy

State's Attorneys's Office

NO NARCOTICS RECOVERED

06 104098

Chicago Police Department - ARREST Report

MARTINEZ, Luis

NO WARRANT IDENTIFIED

Name: GRIERSON, Molly

Res: 910 W Belden Ave, #308  
Chicago, IL  
720-480-6849

OTH: 330-3240720

Beat: 1812

Female

White

DOB: 15 March 1986

Age: 19 years

Comments:

Injured? No Deceased? No

Hospitalized? No

Lincoln Park Hospital

Treated and Released Yes

NO ARRESTEE VEHICLE INFORMATION ENTERED

**Confiscated Properties :**

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR MARTINEZ, Luis, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

Event #21394 This is an arrest by The Great Lakes Regional Fugitive Task Force. The above subject was wanted for investigative alert # 299933627. The above was identified by C.O.D.I.S. hit Via DNA match. The above also fits the description of the wanted offender. The victim was attacked on the street and the offender forcibly pulled her clothes off after knocking her to the ground. The offender then forcibly had intercourse with the victim. The offender then fled the scene. The above subject was located and arrested. He was advised of his rights and transported to Area Three.

Desired Court Date:

Branch:

Court Sgt Handle? No

Initial Court Date: 27 January 2006

Branch: 66 2600 S CALIFORNIA - Room101

Docket #:

BOND INFORMATION NOT AVAILABLE

Chicago Police Department - ARREST Report

MARTINEZ, Luis

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #20542 SCHOBBER, W (PC0H317) 26 JAN 2006 15:04

1st Arresting Officer:	#20542	SCHOBBER, W (PC0H317)	Beat 5643
2nd Arresting Officer:	#10016	ORTIZ, B C (PC0E936)	5643

Approval of Probable Cause : #41 RYAN, M N (PC0P136) 26 JAN 2006 15:59

ORIGINAL COPY

MARTINEZ, Luis

## Chicago Police Department - Arrest Report

Holding Facility: District 019 Male Lockup  
 Received in Lockup: 26 January 2006 16:51  
 Prints Taken: 26 January 2006 16:43  
 Photograph Taken: 26 January 2006 16:49  
 Released from Lockup:

Time Last Fed:  
 Time Called: Phone#:  
 Cell #: 5-2  
 Transport Details : 1PO 5643 26-JAN-2006 13:33

Is there obvious pain or injury? No  
 Is there obvious signs of infection? No  
 Under the Influence of alcohol/drugs? No  
 Signs of alcohol/drug withdrawal? No  
 Appears to be despondent? No  
 Appears to be irrational? No  
 Carrying medication? No

Presently taking medication? No  
 (If female)are you pregnant? No  
 First time ever been arrested? No  
 Attempted suicide/serious harm? No  
 Serious medical or mental problems? No  
 Are you receiving treatment? No

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

MOVEMENT LOG INFORMATION NOT AVAILABLE

Chicago Police Department - AF ST Report

MARTINEZ, Luis

## Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

			Beat
Searched By:	JETTNER SR, M G (PC0C841)		
Lockup Keeper:	#16674 DE FRANCE, W D (PC0H019)		
Assisting Arresting Officer:	#11161 FLORES JR, H (PC0S171)		5643
Assisting Arresting Officer:	#20711 PECK JR, R E (PC0N160)		5643
Fingerprinted By:	#16674 DE FRANCE, W D (PC0H019)		
Detective :	#20910 Redman, Charles A (PC0N318)	26 JAN 2006 23:58	5315

			Beat
Final Approval of Charges :	#58 MC GOVERN, J F (PC0P907)	27 JAN 2006 00:07	

COPY



**ATTORNEY WORK PRODUCT: CONFIDENTIAL**

**TIMELINE: LUIS MARTINEZ**

Tuesday

4/19/05

Original incident (2:30 am)

4/19/05

Vic to Hosp (late night) ←

Wednesday

4/20/05

Vic to Planned Parenthood

Thursday/Friday

4/21/05

Vic calls Police

Police arrive 11:40 pm (Dombeck-GOCR)

4/22/05

E.T. arrives 1:46 am (E.T. Grant)

Inventory #10520806

5/25/05

Lab Notes (K. Behle-Biology)

6/9/05

Lab Report (K. Behle-Biology)

8/3/05 DNA Developed from underwear

9/01/05 CODIS Run/Hit

10/25/05 CODIS Alert to CPD

11/22/05 Lab Report (CODIS Hit/Match)  
(Christopher Webb)

1/26/06 Def. arrested at Madden (13:30)  
(A/O's W. Schober-#20542/B. C. Orbitz-#10016)

17:20 E.T. arrives (Kumiga-Kumila?-#15998)

17:25 Def. Mirandized/Stmt  
(Louis/Redman)  
(Interview Room 239-A/3)

18:15 Swab consent signed  
(Inv #10683267)

18:20 Swab done (by E.T. Kumiga)  
(Inv #10683262)

21:30 Line-up conducted Def. I.d.'ed  
(Molly Grierson)  
(Redman-inside/Louis-outside)

Line-up advisory form  
(Inv #10683372)

Line-up CSPR Photos  
(E.T. Price #4894)

2/22/06 Request for case file

2/23/06 Buccal DNA Lab Report  
(Kelly Ashton-Hand)



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

EXHIBIT  
6

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, IL 60601-6219  
(312) 565-2600 (800) 826-8625  
Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333  
Springfield, IL 62701  
(217) 522-6838 (800) 252-8048  
Fax (217) 522-2417

Luis Antonio Martinez  
20060007243  
P. O. Box 089002  
Chicago, IL 60608

Chicago  
January 4, 2007

Re: Richard H. Paull  
in relation to  
Luis Antonio Martinez  
No. 07 CI 14

Dear Mr. Martinez:

The Client Protection Claim form that you submitted to this agency has been referred to me for a determination as to whether the matters you raise warrant a disciplinary investigation.

Be advised that the disciplinary duties of this Commission relate primarily to investigating and prosecuting allegations of professional misconduct against lawyers. When we have enough evidence of misconduct by an attorney, we may try to cause the lawyer to be disbarred or suspended from the practice of law. This process may take years to be concluded.

We cannot remove Mr. Paull from your case and cannot assist you in efforts to have another public defender assigned to represent you. We are also unable to provide you with any legal advice or assistance and cannot intervene in your legal matters in any way.

Your complaints regarding Mr. Paull relate to his competence and effectiveness as your defense counsel. Allegations of ineffective assistance of counsel are appropriately addressed and resolved in court through motions, appeals or petitions for post-conviction relief. Therefore, as a general policy, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.

If you have not already done so, you may wish to raise your concerns about Mr. Paull's representation in court. If, in the future, any court finds that the attorney failed to represent you effectively, we invite you to send us a copy of the court's decision. At that time, we will



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

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Fax (217) 522-2417

Luis Antonio Martinez  
January 4, 2007  
Page 2

determine whether disciplinary action against Mr. Paull may be warranted. Until such time, we will not initiate any disciplinary investigation based on your complaints.

Very truly yours,

A handwritten signature in black ink, appearing to read "Althea K. Welsh".

Althea K. Welsh  
Senior Counsel

AKW:ck  
MAINLIB\_#250887\_v1



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
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Fax (217) 522-2417

Luis Antonio Martinez  
20060007243  
P. O. Box 089002  
Chicago, IL 60608

Chicago  
May 17, 2007

Re: Richard H. Paull      Deanna M. Binstock  
No. 07 CI 14      No. 07 CI 2253

Dear Mr. Martinez:

We have received your recent request for an investigation of Deana Binstock and Richard H. Paull.

Again, be advised that the duties of this Commission relate primarily to investigating and prosecuting allegations of professional misconduct against lawyers. When we have enough evidence of misconduct by an attorney, we may try to cause the lawyer to be disbarred or suspended from the practice of law. This process may take years to be concluded.

It is not the function of this agency to assist individuals with their legal matters. We cannot provide you with any legal advice or assistance and cannot intervene in your legal matters in any way. We are also unable to decide any questions as to the truth, genuineness or admissibility of any evidence used in your case. These evidentiary questions can only be decided in the courts.

Your complaints regarding Ms. Binstock and Mr. Paull relate to their competence and effectiveness as your defense counsel. Allegations of ineffective assistance of counsel are appropriately addressed and resolved in court through motions, appeals or petitions for post-conviction relief. Therefore, as a general policy, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
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Luis Antonio Martinez  
May 17, 2007  
Page 2

If, in the future, any court finds that your attorneys failed to represent you effectively, we invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted. Until such time, we will take no further action in the matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Althea K. Welsh".

Althea K. Welsh  
Senior Counsel

AKW:ck  
MAINLIB\_#262428\_v1





of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
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(312) 565-2600 (800) 826-8625  
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(217) 522-6838 (800) 252-8048  
Fax (217) 522-2417

Luis A. Martinez  
20060007243  
P.O. Box 089002  
Chicago, IL 60608

Chicago  
August 2, 2007

Re: Richard H. Paull      Deana M. Binstock  
     No. 07 CI 14          No. 07 CI 2253

Dear Mr. Martinez:

We have received your recent request for an investigation of Richard Paull and Deana Binstock.

We have again determined that your complaints relate primarily to the attorneys' competence and effectiveness as your defense counsel. Because allegations of ineffective assistance of counsel are appropriately addressed and resolved in the courts, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.

If, in the future, any court finds that either attorney failed to represent you effectively, we again invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted. Until such time, we will take no further action with respect to your requests.

Very truly yours,

Althea K. Welsh  
Senior Counsel

AKW:ck  
MAINLIB\_#267490\_v1



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, IL 60601-6219  
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One North Old Capitol Plaza, Suite 333  
Springfield, IL 62701  
(217) 522-6838 (800) 252-8048  
Fax (217) 522-2417

Luis Antonio Martinez  
1400 W. Monroe  
Chicago, IL 60641

Chicago  
March 18, 2008

Re: Richard H. Paull      Deana M. Binstock  
No. 07 CI 14      No. 07 CI 2253

Quentin D. Pitluk  
No. 08 CI 1288

Dear Mr. Martinez:

We have received your recent communications regarding Richard Paull, Deanna Binstock and Quentin Pitluck.

Once again, so that there is no misunderstanding, be advised that the duties of this Commission relate primarily to investigating and prosecuting allegations of professional misconduct against lawyers. When we have enough evidence of misconduct by an attorney, we may try to cause the lawyer to be disbarred or suspended from the practice of law. This process may take years to be concluded.

As we indicated in prior letters to you, the issues you are raising are appropriately addressed and resolved in the court system rather than by this Commission. We cannot investigate the evidence in your case and cannot make any determinations as to the truth or validity of any evidence used against you. We are also unable to determine whether any of your constitutional rights have been violated. Only courts of law can make such determinations.

Additionally, although you may believe that certain evidence offered in your case was false, you have provided no factual information to support a conclusion that any of your lawyers knew or believed that evidence they offered or stipulated to was false at the time it was introduced.

For the reasons stated above and in our previous letters to you, this agency will take no further action with respect to your communications at this time.



of the  
SUPREME COURT OF ILLINOIS

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
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Fax (217) 522-2417

Luis Antonio Martinez  
March 18, 2008  
Page 2

We will continue to review any and all communications we receive from you and will advise you if we decide to take any action based on any future communication. If we do not respond to future communications you send us, you should assume that we are taking no action.

Very truly yours,

Althea K. Welsh  
Senior Counsel

AKW:ck  
MAINLIB\_#289221\_v1



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION  
of the  
SUPREME COURT OF ILLINOIS

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Fax (217) 522-2417

Luis Antonio Martinez  
20060007243  
P. O. Box 089002  
Chicago, IL 60608

Chicago  
April 18, 2008

Re: Richard H. Paull      Deana M. Binstock  
No. 07 CI 14      No. 07 CI 2253

Quentin D. Pitluk  
No. 08 CI 1288

Dear Mr. Martinez:

We have received your recent communication regarding the above matter.

Enclosed is a copy of the last letter I sent you, which explains why this agency will take no action with respect to your concerns at this time.

We will continue to review any and all communications we receive from you and will notify you if we decide to take any action based on a communication you submit to us. If we do not respond to future communications you may send us, you should assume that we are taking no action.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Althea K. Welsh".

Althea K. Welsh  
Senior Counsel

AKW:ck  
Enclosure  
MAINLIB\_#291961\_v1

STATE OF ILLINOIS

)

) SS.

COUNTY OF COOK

)

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT-CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS

)

vs.

)

06 CR 3231

)

LUIS MARTINEZ

)

**STIPULATION**

NOW COME the People of the State of Illinois, by their Attorney, RICHARD A. DEVINE, State's Attorney of Cook County, Illinois, by Geraldine D'Souza, Assistant State's Attorney, and Richard Paull and Deana Binstock, on behalf of the defendant Luis Martinez. It is hereby stipulated that:

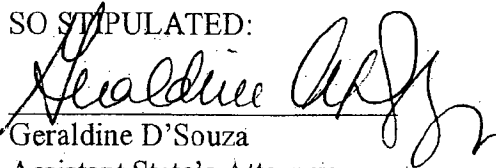
1. If called to testify, Taylor Scott would testify that he is currently a Forensic Scientist in the DNA Indexing Laboratory of the Illinois State Police Forensic Sciences Command.
2. Mr. Scott would be qualified by this court as an expert in the field of Forensic DNA Analysis specifically in the area of indexing convicted offender database samples.
3. Mr. Scott would testify that DNA samples from convicted offenders are received at the Indexing Laboratory through the United States Postal Service along with other mail items.
4. Mr. Scott would further testify that there is not an evidentiary chain of custody maintained on the DNA samples from convicted offenders as required by the Illinois State Police Forensic Sciences Command for evidence.

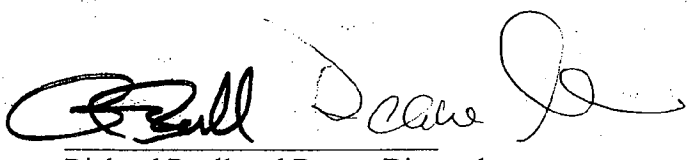
5. That the convicted offender samples are not considered evidence samples.
6. That these convicted offender samples are collected and analyzed for upload into the DNA database to provide investigative leads in criminal investigations.
7. That when an association is made between a convicted offender sample and an evidence sample, a representative from the Indexing Laboratory verifies that the convicted offender legally belongs in the database prior to releasing any information to law enforcement.
8. That this verification was completed in the case involving Luis Martinez.
9. That a thumbprint of the convicted offender is recorded on the submission paperwork at the time the buccal swab of that offender is collected.
10. That when an association is made between a convicted offender sample and an evidence sample, a qualified latent fingerprint examiner verifies that the thumbprint on the submission paperwork from the convicted offender matches the thumbprint on a reliable ten-print arrest card, already on file, of that same convicted offender.
11. That this thumbprint verification was completed in the case involving Luis Martinez.
12. That this verification process also entails DNA analysis of an additional buccal swab from the convicted offender sample kit, which verifies the DNA profile in CODIS is correct. This is known as Sample Verification, which is performed with each case-to-offender hit before results are released to law enforcement.



13. Taylor Scott would further testify that on October 20, 2005, he sent a letter to Kathleen Kozak, the CODIS Administrator at ISP Forensic Science Center at Chicago, regarding the Sample Verification. If shown a copy of that letter, he would identify it as the letter he sent and it would be admitted into evidence as Defendant's # \_\_\_\_\_
14. That the association between a convicted offender sample and an evidence sample is known as a case-to-offender hit. That this search is a preliminary association to the suspect and after verification, this hit requires confirmatory forensic DNA analysis.
15. That this confirmatory DNA analysis consists of a new buccal swab taken from the suspect, pursuant to the investigation.
16. This confirmatory standard is collected under an evidentiary chain of custody as required by the Illinois State Police Forensic Sciences Command for evidence.
17. This confirmatory DNA analysis is known as a Hit Confirmation.
18. That after confirmatory DNA analysis, a laboratory report is generated which reports the suspect as a possible donor of the evidence sample and reports a statistical frequency which estimates how rare the evidence profile is in various large ethnic populations.

SO STIPULATED:

  
Geraldine D'Souza  
Assistant State's Attorney

  
Richard Paull and Deana Binstock  
On Behalf of Luis Martinez



**ILLINOIS STATE POLICE**

*Division of Forensic Services*

Rod R. Blagojevich  
Governor

Larry G. Trent  
Director

October 20, 2005

Forensic Scientist Kathleen Kozak  
Illinois State Police  
Forensic Science Center at Chicago  
1941 West Roosevelt Road  
Chicago, IL 60608-1229

Dear Ms. Kozak:

A search of the Illinois DNA Index on September 12, 2005 resulted in a computer match between specimen number C05-23506-1BF2 and Illinois convicted offender specimen number I04-050571. The convicted offender information and DNA profile have been examined and are verified. The convicted offender name and date of birth listed below are as they appear on the sample receipt. Other names and dates of birth may exist for this individual.

Louis Martinez  
DOB 7/26/1978  
SID# IL36686060

Our policy recommends that the law enforcement agency obtain an additional biological sample from this subject and submit the sample to your laboratory for reanalysis. Please do not hesitate to contact me at (217) 782-4975 if you have any questions.

Sincerely,

Taylor C. Scott III  
Forensic Scientist

Exhibit K.

O

STATE OF ILLINOIS  
County of Cook

)  
) SS.  
)

(11)  
1/29/08

IN THE CIRCUIT OF COOK COUNTY  
County DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS

VS.

LUIS MARTINEZ

)  
) Ob-CR-3231

) JAMES B. Linn

THE HONORABLE PRESIDING JUDGE

DONE pro-se

MOTION IN LIMINE TO EXCLUDE THE DNA EVIDENCE  
AND THE RESULTS OF THE NEW buccal SWAB TAKEN  
FROM THE DEFENDANT FOR CONFIRMATORY DNA REANALYSIS AND  
ENZYME TESTING, AND BAR FORENSIC SCIENTIST TAYLOR C.  
SCOTT III THE ILLINOIS DNA INDEX COMPUTER MATCH TESTING  
THE ASSOCIATION BETWEEN A CONVICTED OFFENDER SAMPLE AND AN  
EVIDENCE IS KNOWN AS A CASE TO OFFENDER HIT. AND THE  
DATABASE COMPUTER INFORMATION ON GROUNDS THE DATA  
BASE INFORMATION IS HEARSAY AND FORENSIC SCIENTIST RELIE  
ON INFORMATION FROM A DATABASE COMPUTER HEARSAY EVIDENCE  
IS INADMISSIBLE UNDER THE FEDERAL RULE OF EVIDENCE  
RULE (802) AND EXCLUDE THE WOMEN'S PAIR OF UNDERWEAR IN  
INVENTORY # 10520806.

**RECEIVED**  
FEB 20 2008  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

DOCKING CLERK  
2008 FEB 20 AM 10:20  
FILE

Attorney Jill W. Landsberg  
*Chair*  
Honorable John O. Steele  
*Vice Chair*  
Honorable Donald C. Hudson  
John E. Kreisler  
Attorney Tom Leahy  
Raymond J. McGury



EXHIBIT K

Attorney Kathy D. Twine  
*Executive Director*  
*General Counsel*  
100 West Randolph Street  
Suite 14-500  
Chicago, Illinois 60601-3233  
312/814-5554  
800/227-9429  
TDD 312/814-1881  
FAX 312/814-5719

STATE OF ILLINOIS  
JUDICIAL INQUIRY BOARD

September 13, 2007

Mr. Luis Martinez  
2006-0007243  
P.O. Box 089002  
Chicago, Illinois 60608

Dear Mr. Martinez:

The Judicial Inquiry Board ("Board") received your request for an investigation of an Illinois state court judge. The Board will discuss your request to determine whether it has jurisdiction and if so, whether an investigation or other Board action is warranted. Kindly be advised that the Board's action does not include legal assistance or intervening in any court case. Therefore, if you have an active court case, you must continue to proceed with whatever remedies that may be available to you within the court system.

It is important for you to note that pursuant to the Illinois Constitution and the Board's Rules of Procedure, the Board is prohibited from sharing with you or anyone outside of our agency the details of any investigation or action taken in lieu of or prior to filing a complaint with the Illinois Courts Commission ("the Commission"). Only those documents filed with the Commission during the prosecution of a matter becomes public record. However, after the Board has made its final determination and taken all warranted action, you will receive written notification of its determination.

Also be advised that the Board does not have jurisdiction to investigate allegations of misconduct against attorneys, court personnel, police officers, or anyone other than active judges of the State of Illinois.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy D. Twine", with a long horizontal flourish extending to the right.

Kathy D. Twine  
Executive Director &  
General Counsel

KDT: mp

Attorney Jill W. Landsberg  
Chair  
Honorable John O. Steele  
Vice Chair  
Honorable Donald C. Hudson  
John E. Kreisler  
Attorney Tom Leahy  
Raymond J. McGury



Attorney Kathy D. Twine  
Executive Director  
General Counsel  
100 West Randolph Street  
Suite 14-500  
Chicago, Illinois 60601-3233  
312/814-5554  
800/227-9429  
TDD 312/814-1881  
FAX 312/814-5719

STATE OF ILLINOIS  
JUDICIAL INQUIRY BOARD

February 13, 2008

Mr. Luis Martinez  
#2006-000-7243  
P. O. Box 089002  
Chicago, IL 60608

Dear Mr. Martinez:

The Judicial Inquiry Board ("Board") has concluded its review of the allegations raised in your complaints against an Illinois state court judge and has determined to close the complaints. The Board's determination to close the complaints is in no way an opinion as to the merits of your court case.

Please note that the Board is prohibited, pursuant to the confidentiality provisions contained in its Constitutional authority and Rules of Procedure, from disclosing specifics regarding its decision, findings or information about its deliberations of any matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy D. Twine".

Kathy D. Twine  
Executive Director &  
General Counsel

KDT: mp



OFFICE OF PROFESSIONAL STANDARDS



10 W. 35<sup>th</sup> St., Suite 1200  
Chicago, IL 60616  
(312)745-3609

**Ilana Rosenzweig**, Chief Administrator

7 November 2007

Luis Martinez ID#2006-000-7243  
P. O. Box 089002  
Chicago, IL 60608  
Div. 8 Rtu B3

Dear Mr. Martinez:

Your letter dated October 17, 2007, addressed to the Office of Professional Standards, was given to me for a response.

The Office of Professional Standards registers all complaints against Police Department members and is responsible for conducting investigations of complaints involving allegations of excessive force and domestic violence. All other complaints are forwarded to the Internal Affairs Division.

Your information was issued Log#1007001 and was forwarded to the Internal Affairs Division for their information and review. If you have any questions regarding your complaint please contact the Internal Affairs Division at 312-745-6349 between the hours of 8:30-5:00 p.m. or in writing to:

Chicago Police Department  
Attention: Internal Affairs Division  
3510 S. Michigan Ave  
Chicago, Illinois 60653

Sincerely,



Ilana B. R. Rosenzweig  
Chief Administrator  
Office of Professional Standards

IBRR/ac



Exhibit L

Richard M. Daley  
Mayor

Department of Police • City of Chicago  
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis  
Superintendent of Police

January 30, 2008

Luis Martinez  
2006-000-7243  
DIU 8 RTM D-1  
P.O. Box 089002  
Chicago, IL 60608

Dear Mr. Martinez:

Please be advised that Sergeant Kane of the Internal Affairs Division has been assigned this investigation and your letters have been forwarded to her.

This is an internal investigation into your allegations. This is separate from your criminal trial. When the investigation is complete, you will need a subpoena to obtain the information you requested due to the fact that the contents of Internal Affairs Division investigations are only released by court order.

Sincerely,

A handwritten signature in cursive script that reads "Debra Kirby". To the right of the signature is a small circular stamp containing the word "encl".

Debra Kirby  
Assistant Deputy Superintendent  
Internal Affairs Division

DK/bf

C:\Documents and Settings\pclogin\My Documents\Citizen Letters\2008 L Martinez.doc



Exhibit L

Richard M. Daley  
Mayor

Department of Police • City of Chicago  
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis  
Superintendent of Police

March 19, 2009

Mr. Luis Martinez  
K89831  
2600 N. Brinton Ave.  
Dixon, IL 61021

Dear Mr. Martinez,

My name is Sgt. Robert Vanna and I am the assigned investigator for the complaint you filed under Complaint Log No. 1007001. I am also in possession of the correspondence you have sent.

In order to proceed with the investigation you are required to sign a sworn affidavit. I have enclosed one for you signature and return to the Department. If you no longer wish to pursue the matter please sign the enclosed Letter of Declination.

Please send your reply to Sgt. Robert Vanna, 3510 S. Michigan Avenue, Unit 121, Chicago, IL 60653

Sincerely,

A handwritten signature in black ink, reading "Sgt. Robert Vanna". The signature is written in a cursive style with a large, stylized "V" and "A".

Sgt. Robert Vanna



EXHIBIT M

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING

SPRINGFIELD 62701

JULEANN HORNYAK

CLERK OF THE COURT

(217) 782-2035

TELECOMMUNICATIONS DEVICE

FOR THE DEAF

(217) 524-8132

September 14, 2007

FIRST DISTRICT OFFICE

20TH FLOOR

160 N. LASALLE ST.

CHICAGO 60601

(312) 793-1332

TELECOMMUNICATIONS DEVICE

FOR THE DEAF

(312) 793-6185

Mr. Luis A. Martinez  
2006-000-7243  
PO Box 089002  
Chicago, IL 60608  
Div. 8

Dear Mr. Martinez:

This office has received your two letters addressed to Chief Justice Robert R. Thomas.

The Supreme Court cannot intercede respecting your concerns nor can the Court consider matters on the basis of correspondence. Under Article VI of the State Constitution and the Rules of the Supreme Court, the jurisdiction of the Court extends only to cases or controversies properly brought before it from a lower court or, in limited circumstances, as an original action. Also, judges in the State of Illinois are precluded by the Code of Judicial Conduct from initiating, permitting, or considering *ex parte* communications or considering other communications made to the judge outside the presence of the parties concerning a pending or impending court proceeding.

Further, the Judicial Inquiry Board (JIB) has authority under the Constitution to investigate complaints against judges, and the Court does not have authority under the Constitution, Court rule or statute to review decisions of the Board.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Julieann Hornyak".

Clerk of the Supreme Court

JH:ah

Order Form (01/2005)

Case 1:08-cv-02289 Document 0 Filed 05/09/2008 Page 1 of 1

## United States District Court, Northern District of Illinois

Exhibit M

Name of Assigned Judge or Magistrate Judge	Wayne R. Andersen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2289	DATE	MAY 9, 2008
CASE TITLE	U.S. ex rel. Luis Martinez (#2006-002743) v. Jackson		

## DOCKET ENTRY TEXT

Petitioner Luis Martinez's motion to proceed *in forma pauperis* [4] is granted. His petition for habeas corpus relief is dismissed. See Rule 4, Rules Governing § 2254 Cases. Petitioner's requests for the appointment of counsel [3], [6] are denied.

[For further details see text below.]

Docketing to mail notices.

## STATEMENT

Petitioner, Luis Martinez (2006-0007243), currently incarcerated at Cook County Jail, has filed a *pro se* petition for a writ of habeas corpus. Petitioner seeks for this Court to enjoin his pending criminal proceedings in state court. He asserts that, after his release from a mental health facility where he was on suicide watch, police officers conducted an investigation using falsified reports, warrantless searches, and coercive interrogation against petitioner. Petitioner contends that he is being wrongfully prosecuted for a sexual assault.

Finding that petitioner has neither the available funds nor means to pay the filing fee, the court grants his application to proceed *in forma pauperis*. However, petitioner's petition for habeas relief must be dismissed at the current time. Federal courts do not interfere with pending state criminal proceedings except in special circumstances, and only after the petitioner has exhausted state court remedies. *Younger v. Harris*, 401 U.S. 37 (1971); see also *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 489-92 (1973); *United States v. Castor*, 937 F.2d 293, 296-97 (7th Cir. 1991); *Neville v. Cavanaugh*, 11 F.2d 673, 675 (7th Cir. 1979). Special circumstances are generally limited to issues of double jeopardy and speedy trial. See *Braden*, 410 U.S. 484, 488-90; *Blanch v. Waukesha County*, 48 F. Supp.2d 859, 860 (E.D. Wis. 1999).

Petitioner claims involve neither a double jeopardy violation nor a speedy trial issue. Furthermore, it is apparent from the petition that petitioner has not sought relief for his claims in the state trial court, appellate court, or supreme court. Accordingly, petitioner's petition is dismissed. If convicted, he may seek federal habeas relief after he exhausts state court remedies. Petitioner's requests for injunctive relief and for the appointment of counsel are denied.

Defendant has been convicted and can't Appeal his habeas

CORPUS TO seek relief in state court Supreme court Appellate court

isk

/too



Exhibit M,

**SUPREME COURT OF ILLINOIS**

SUPREME COURT BUILDING

SPRINGFIELD 62701

**JULEANN HORNYAK**

CLERK OF THE COURT

(217) 782-2035

**FIRST DISTRICT OFFICE**

20TH FLOOR

160 N. LASALLE ST.

CHICAGO 60601

(312) 793-1332

TELECOMMUNICATIONS DEVICE

FOR THE DEAF

(217) 524-8132

**September 24, 2008**

TELECOMMUNICATIONS DEVICE

FOR THE DEAF

(312) 793-6185

**Mr. Luis Martinez**

**Reg. No. K-89831**

**Dixon Correctional Center**

**2600 North Brinton Avenue**

**Dixon, Illinois 61021**

**Re: M12136 - Luis Martinez, petitioner, v. Sergeant Kane of the Internal Affairs Division, etc., et al., respondents. Mandamus.**

**M12137 - Luis Martinez, petitioner, v. Hon. James B. Linn, etc., et al., respondents. Mandamus.**

**M12138 - Luis Martinez, petitioner, v. Kenneth N. Flaxman, respondent. Mandamus.**

**Dear Mr. Martinez:**

This will acknowledge receipt of your letter on September 24, 2008, regarding the above-captioned causes.

You are advised that the Illinois Supreme Court is not required to give a reason for either allowing or denying a motion, and they did not do so in any of your cases. The "letter" that you received regarding each case was the official order entered by this Court for its respective cause, and the denial applies to the entire mandamus motion.

If you would so choose, you may appeal each denial to the United States Supreme Court in Washington, DC, by filing a petition for writ of certiorari to that court. Be sure to attach a copy of this Court's denial order to your petition for writ of certiorari.

Information regarding the filing requirements of the United States Supreme Court should be directed by mail to the Office of the Clerk of the United States Supreme Court, Supreme Court Building, One First Street NE, Washington, DC 20543.

Very truly yours,

*Juleann Hornyak*  
Clerk of the Supreme Court

JH/jak





EXHIBIT M.

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
SPRINGFIELD 62701

**JULEANN HORNYAK**  
CLERK OF THE COURT  
(217) 782-2035

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(217) 524-8132

September 9, 2008

**FIRST DISTRICT OFFICE**  
20TH FLOOR  
160 N. LASALLE ST.  
CHICAGO 60601  
(312) 793-1332

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(312) 793-6185

Mr. Luis Martinez  
Reg. No. K-89831  
Dixon Correctional Center  
2600 North Brinton Avenue  
Dixon, Illinois 61021

Re: M12136 - Luis Martinez, petitioner, v. Sergeant Kane of the Internal Affairs  
Division, etc., et al., respondents. Mandamus.

M12137 - Luis Martinez, petitioner, v. Hon. James B. Linn, etc., et al.,  
respondents. Mandamus.

M12138 - Luis Martinez, petitioner, v. Kenneth N. Flaxman, respondent.  
Mandamus.

Dear Mr. Martinez:

This will acknowledge receipt of your letter on September 8, 2008.

Enclosed is a file-stamped copy of each of the above-captioned mandamus cases. As you can see by looking at the case titles on the documents, the respondents you had named on each case are listed as parties to their respective cases. You had submitted three mandamus motions, therefore, those three were filed.

You are advised that the Illinois Supreme Court is principally a reviewing court, and there is no provision for issuing a summons in this Court. Therefore, your request for the issuance of a summons will not be considered.

As stated in our letter to you on August 18, 2008, your requests for appointment of counsel will not be considered unless the Court determines the appointment to be necessary at the time they render a decision on your pending mandamus motions. Your motions are pending decision at this time, and you will be notified by mail the same day the Court announces a decision on your cases.

Very truly yours,

A handwritten signature in cursive script that reads "Juleann Hornyak".

Clerk of the Supreme Court

JH/jak  
Enclosures

EXHIBIT M

**12137**

IN THE

**SUPREME COURT OF ILLINOIS**

**Luis Martinez,**

### Petitioner

**v.**

Hon. James B. Linn, Circuit Judge of Cook County, Tom Dart, Sheriff of Cook County, Taylor Scott, Forensic Scientist for the Illinois State Police, Richard Paull, Deana Binstock, and Geraldine D'Souza, Assistant State's Attorney of Cook County,

## Respondents

## Mandamus

Circuit Court,  
Cook County  
No. 06 CR 3231

**MOTION BY PETITIONER FOR LEAVE TO FILE A  
PETITION FOR AN ORIGINAL WRIT OF MANDAMUS**

**FILED**

AUG 18 2008

**SUPREME COURT  
CLERK**

**Luis Martinez**  
**Reg. No. K-89831**  
**Dixon Correctional Center**  
**2600 North Brinton Avenue**  
**Dixon, Illinois 61021**



Exhibit M,

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
SPRINGFIELD 62701

**JULEANN HORNYAK**  
CLERK OF THE COURT  
(217) 782-2035

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(217) 524-8132

August 18, 2008

**FIRST DISTRICT OFFICE**  
20TH FLOOR  
160 N. LASALLE ST.  
CHICAGO 60601  
(312) 793-1332

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(312) 793-6185

Mr. Luis Martinez  
Reg. No. K-89831  
Dixon Correctional Center  
2600 North Brinton Avenue  
Dixon, Illinois 61021

- Re: M12136 - Luis Martinez, petitioner, v. Sergeant Kane of the Internal Affairs Division, etc., et al., respondents. Mandamus.
- M12137 - Luis Martinez, petitioner, v. Hon. James B. Linn, etc., et al., respondents. Mandamus.
- M12138 - Luis Martinez, petitioner, v. Kenneth N. Flaxman, respondent. Mandamus.

Dear Mr. Martinez:

This office has today filed your three (3) motions for leave to file a petition for an original writ of mandamus, each styled as individually set forth above. You are being permitted to proceed as a poor person in each case.

Your motions will each be referred to the Court, and you will be advised as to the actions taken.

You are advised that your requests for appointment of counsel will not be considered unless the Court determines the appointment to be necessary at the time they render a decision on your pending mandamus motions.

Very truly yours,

*Juleann Hornyak*  
Clerk of the Supreme Court

JH/jak  
Enclosure  
cc: AG CrMadigan

Exhibit M.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 006

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0323101

LUIS

MARTINEZ

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

02/26/08 PRISONER DATA SHEET TO ISSUE	00/00/00
LINN JAMES B.	
02/26/08 MOTION DEFT - CONTINUANCE - MD	04/04/08
LINN JAMES B.	
04/04/08 DEFENDANT IN CUSTODY	00/00/00
LINN JAMES B.	
04/04/08 PRISONER DATA SHEET TO ISSUE	00/00/00
LINN JAMES B.	
04/04/08 MOTION DEFT - CONTINUANCE - MD	05/01/08
LINN JAMES B.	
05/01/08 DEFENDANT IN CUSTODY	00/00/00
LINN JAMES B.	
05/01/08 PRISONER DATA SHEET TO ISSUE	00/00/00
LINN JAMES B.	
05/01/08 MOTION DEFT - CONTINUANCE - MD	05/07/08
LINN JAMES B.	
05/07/08 DEFENDANT IN CUSTODY	00/00/00
LINN JAMES B.	
05/07/08 PRISONER DATA SHEET TO ISSUE	00/00/00
LINN JAMES B.	
05/07/08 MOTION DEFT - CONTINUANCE - MD	05/29/08
LINN JAMES B.	
05/12/08 SPECIAL ORDER	00/00/00 F
<del>EMERGENCY PETITION FOR WRIT OF MANDAMUS &amp; INJUNCTION RELIEF.</del>	
05/12/08 HEARING DATE ASSIGNED	05/29/08 1724
05/29/08 DEFENDANT IN CUSTODY	00/00/00
HILL ARTHUR F JR	
05/29/08 DEFENDANT FOUND FIT	00/00/00
W.MEDS.	
HILL ARTHUR F JR	
05/29/08 SPECIAL ORDER	00/00/00
ALL MOTIONS W/DRAWN	
HILL ARTHUR F JR	
05/29/08 ADMONISH AS TO TRIAL IN ABSENT	00/00/00
HILL ARTHUR F JR	
05/29/08 PLEA OF GUILTY	C007 00/00/00
HILL ARTHUR F JR	

2 filed prose

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 003

PEOPLE OF THE STATE OF ILLINOIS

EXHIBIT M

VS

NUMBER 06CR0323101

LUIS

MARTINEZ

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

12/21/06 DEFENDANT IN CUSTODY	00/00/00	
LINN JAMES B.		
12/21/06 PRISONER DATA SHEET TO ISSUE	00/00/00	
LINN JAMES B.		
12/21/06 WITNESSES ORDERED TO APPEAR	00/00/00	
LINN JAMES B.		
12/21/06 CONTINUANCE BY AGREEMENT	02/07/07	
LINN JAMES B.		
02/07/07 DEFENDANT IN CUSTODY	00/00/00	
LINN JAMES B.		
02/07/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
LINN JAMES B.		
02/07/07 WITNESSES ORDERED TO APPEAR	00/00/00	
LINN JAMES B.		
02/07/07 MOTION DEFT - CONTINUANCE - MD	03/13/07	
LINN JAMES B.		
03/13/07 DEFENDANT IN CUSTODY	00/00/00	
LINN JAMES B.		
03/13/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
LINN JAMES B.		
03/13/07 MOTION TO QUASH ARREST	00/00/00 D.	2
LINN JAMES B.		
03/13/07 MOTION TO SUPPRESS	00/00/00 D	2
MOTION TO SUPPRESS IDENTIFICATION DENIED		
LINN JAMES B.		
03/13/07 MOTION DEFT - CONTINUANCE - MD	05/07/07	
LINN JAMES B.		
05/07/07 DEFENDANT IN CUSTODY	00/00/00	
LINN JAMES B.		
05/07/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
LINN JAMES B.		
05/07/07 MOTION DEFT - CONTINUANCE - MD	06/12/07	
LINN JAMES B.		
06/12/07 DEFENDANT IN CUSTODY	00/00/00	
LINN JAMES B.		
06/12/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
LINN JAMES B.		

EXHIBIT M

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 004

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0323101

LUIS

MARTINEZ

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION	
06/12/07 CONTINUANCE BY AGREEMENT	07/31/07
LINN JAMES B.	
06/19/07 SPECIAL ORDER	00/00/00 F      2
GRAND JURY INDICTMENT & TRANSCRIPTS.	
06/19/07 HEARING DATE ASSIGNED	07/31/07 1724
07/31/07 DEFENDANT IN CUSTODY	00/00/00
LINN JAMES B.	
07/31/07 PRISONER DATA SHEET TO ISSUE	00/00/00
LINN JAMES B.	
07/31/07 MOTION DEFT - CONTINUANCE - MD	08/30/07
LINN JAMES B.	
08/30/07 DEFENDANT IN CUSTODY	00/00/00
<u>BURNS, CHARLES P.</u>	
08/30/07 PRISONER DATA SHEET TO ISSUE	00/00/00
BURNS, CHARLES P.	
08/30/07 CONTINUANCE BY AGREEMENT	10/25/07
BURNS, CHARLES P.	
08/30/07 DEFENDANT IN CUSTODY	00/00/00
BURNS, CHARLES P.	
08/30/07 PRISONER DATA SHEET TO ISSUE	00/00/00
BURNS, CHARLES P.	
08/30/07 CONTINUANCE BY AGREEMENT	09/13/07
BURNS, CHARLES P.	
09/13/07 DEFENDANT IN CUSTODY	00/00/00
BURNS, CHARLES P.	
09/13/07 DEFENDANT IN CUSTODY	00/00/00
BURNS, CHARLES P.	
09/13/07 PRISONER DATA SHEET TO ISSUE	00/00/00
BURNS, CHARLES P.	
09/13/07 CONTINUANCE BY AGREEMENT	09/25/07
BURNS, CHARLES P.	
09/25/07 DEFENDANT IN CUSTODY	00/00/00
BURNS, CHARLES P.	
09/25/07 PRISONER DATA SHEET TO ISSUE	00/00/00
BURNS, CHARLES P.	
09/25/07 CONTINUANCE BY AGREEMENT	10/11/07
BURNS, CHARLES P.	

10 / 11 / 07 Judge linn returned  
 after Altering and changing motions  
 to squish all transcripts and  
 filing false documents and  
 presented them





U.S. Department of Justice

Civil Rights Division

Exhibit M.

MJK:amp:rs  
DJ 144-23-0

*Criminal Section - PHB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

MAR 05 2009

Mr. Luis Martinez, #K-89831  
Dixon Correctional Center  
2600 N. Brinton Avenue  
Dixon, IL 61021

Dear Mr. Martinez:

This responds to your letter dated August 31, 2008, in which you allege that you were wrongfully convicted of a crime you did not commit by a corrupt Illinois State Judge, State's Attorney and Police Chief of the City of Chicago. We apologize for our delay in responding.

The Criminal Section of the Civil Rights Division is responsible for enforcing federal criminal civil rights statutes. This enforcement activity relates to investigation and prosecution of deprivation of civil rights under color of law. These matters generally involve allegations of excessive physical force or sexual abuse by law enforcement officers, as well as allegations of human trafficking, involuntary servitude or peonage, and allegations of forcible interference with reproductive clinics.

We have carefully reviewed the information which you furnished and determined that your complaint does not involve a prosecutable violation of the federal criminal civil rights statutes that we enforce.

Inasmuch as you feel that your civil rights were violated, you may wish to contact private counsel, the nearest legal aid program, or the local bar association to determine whether they may be able to assist you or what remedies may be available to you.

- 2 -

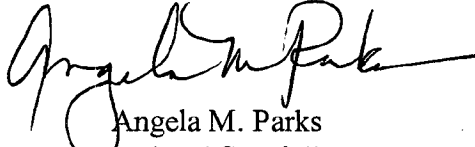
Additional information about the statutes enforced by the Civil Rights Division can be viewed if you log on to our website at [www.usdoj.gov/crt](http://www.usdoj.gov/crt). We appreciate your cooperation and thank you for advising us of your concern.

We regret that we cannot be of further assistance to you.

Sincerely,

Mark J. Kappelhoff  
Section Chief  
Criminal Section  
Civil Rights Division

By:

  
Angela M. Parks  
Paralegal Specialist  
Criminal Section



OFFICE OF THE INSPECTOR GENERAL  
City of Chicago

Exhibit M.

David H. Hoffman  
Inspector General

111 W. Washington Street, Suite 600  
Chicago, Illinois 60602  
Telephone: (773) 478-7799  
Fax: (773) 478-3949

May 29, 2007

Luis A. Martinez  
2006-000-7243  
P.O. Box 089002  
Chicago, Illinois 60608

Dear Mr. Martinez:

We have reviewed your complaint dated May 18, 2007, regarding The Abuse of One's Official Status as a Public Employee and have found that it does not meet our investigative guidelines. As such, the Inspector General's Office will not be conducting an investigation into this matter.


We believe that your complaint may best be handled at the department level. Therefore, we are seeking your permission to turn your complaint over to the Chicago Police Department Internal Affairs Division for its investigation.

If you agree that we may turn your complaint over to the Chicago Police Department Internal Affairs Division, please return this letter with your signature, addressed to:

David Grossman  
Director of Investigations  
Inspector General's Office  
P.O. Box 2996  
Chicago, Illinois 60654-2996

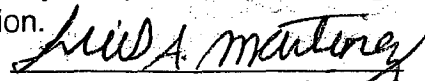
Thank you for bringing this matter to the attention of the City of Chicago.

Sincerely yours,

  
David Grossman  
Director of Investigations

DG/mrv

Yes, I agree that the Inspector General's Office may forward my complaint to the Chicago Police Department Internal Affairs Division for its investigation.

  
(Name)

O EXHIBIT M. O *Supplied - previously processed 4-16-08*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

RETURNED

MAY 12 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

LUIS MARTINEZ 2006-000-7243(Full name and prison number)  
(Include name under which convicted)

PETITIONER

CASE NO:

08 C2289  
(Supplied by Clerk of this Court)Superintendent Jackson Div 8 Rtu  
THOMAS DART, COOK COUNTY SHERIFF(Warden, Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank **only** if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

Case Number of State Court Conviction:

(State where judgment entered)

06-CR-3231 - Pending - trial**PETITION FOR WRIT OF HABEAS CORPUS -- PERSON IN STATE CUSTODY**

1. Name and location of court where conviction entered: CASE STILL pending  
COOK County Circuit Court
2. Date of judgment of conviction: \_\_\_\_\_
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
\_\_\_\_\_
4. Sentence(s) imposed: \_\_\_\_\_
5. What was your plea? (Check one)
 

(A) Not guilty	<input checked="" type="checkbox"/>
(B) Guilty	<input type="checkbox"/>
(C) Nolo contendere	<input type="checkbox"/>

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

\_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

Exhibit M.

Luis A. Martinez,  
Plaintiff,

CASE NO. 06-CR-3231

- VS -

THE PEOPLE OF THE STATE OF ILLINOIS,  
Defendants,

EMERGENCY

TEMPORARY PRELIMINARY INJUNCTIONS

NOW COMES, THE PLAINTIFF, Luis A. Martinez,

IN THE FORGOING CAUSE OF ACTION PURSUANT,  
UNDER FEDERAL RULE OF CIVIL PROCEDURE 65(a)1,  
AND RESPECTFULLY ASKING THIS HONORABLE COURT TO GRANT  
SAID PLAINTIFF PETITION FOR TEMPORARY PRELIMINARY INJUNCTION  
STOPPING PLAINTIFF CRIMINAL PROCEEDINGS.

IN SUPPORT THEREOF, PLAINTIFF STATES THEREOF,  
THE FOLLOWING FACTS.

1. THAT THE PLAINTIFF, LUIS A. MARTINEZ, IS THE TRUE  
PERSON BRINGING THIS CAUSE OF ACTIONS.

○ SUPREME COURT OF ILLINOIS  
CLERK OF THE COURT  
SUPREME COURT BUILDING  
SPRINGFIELD, ILLINOIS 62701  
(217) 782-2035

○ Exhibit M,

September 12, 2008

Mr. Luis Martinez  
Reg. No. K-89831  
Dixon Correctional Center  
2600 North Brinton Avenue  
Dixon, IL 61021

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 12136 - Luis Martinez, petitioner, v. Sergeant Kane of the  
Internal Affairs Division, etc., et al.,  
respondents. Mandamus.

The motion by petitioner for leave to file a  
petition for an original writ of mandamus is  
denied.

cc: Hon. Lisa Madigan



○ EXHIBIT M.

12136

IN THE  
SUPREME COURT OF ILLINOIS

Luis Martinez,	)	Mandamus
	)	
Petitioner	)	
	)	
v.	)	
	)	
Sergeant Kane of the Internal Affairs	)	
Division, Department of Police, Ilana	)	
Rosenzweig, Chief Administrator of the	)	
Office of Professional Standards, Debra	)	
Kirby, Assistant Deputy Superintendent	)	
of Police, and Jody P. Weis,	)	
Superintendent of Police,	)	
	)	
Respondents	)	

MOTION BY PETITIONER FOR LEAVE TO FILE A  
PETITION FOR AN ORIGINAL WRIT OF MANDAMUS

**FILED**  
AUG 18 2008  
SUPREME COURT  
CLERK

Luis Martinez  
Reg. No. K-89831  
Dixon Correctional Center  
2600 North Brinton Avenue  
Dixon, Illinois 61021



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

www.usccr.gov

EXHIBIT M.

April 1, 2008

Luis Martinez  
2006-000-7243  
DIV8 Rtu-D-1  
PO Box 089002  
Chicago, IL 60608

Dear Mr. Martinez:

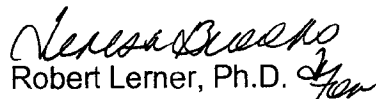
The Commission on Civil Rights recently received your correspondence.

The Commission was created by Congress to conduct studies, hold hearings, issue reports, and serve as a national clearinghouse for civil rights information. As such, the Commission has no authority to provide direct remedial assistance, or offer an opinion as to the soundness of individual allegations.

We assist the many people who write to us alleging discrimination on the basis of race, sex, age, disability, national origin or religion by forwarding their complaints to the appropriate civil rights enforcement agency. After carefully reviewing your correspondence, we find that it does not contain allegations that may be forwarded to an enforcement agency. We are therefore returning your correspondence and regret that we cannot assist you further.

Please do not hesitate to contact us in the future should you require a referral on another matter.

Sincerely,

  
Robert Lerner, Ph.D.  
Assistant Staff Director  
of Civil Rights Evaluation

Enclosure

IN SUPREME COURT OF ILLINOIS  
Supreme Court Building Springfield 62701

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, ILLINOIS  
THE COURT FOR THE \_\_\_\_\_ JUDICIAL CIRCUIT  
LAW DIVISION

EXHIBIT N.

Luis Martinez )  
Plaintiff, )

vs ROOM 707 )

No. \_\_\_\_\_

Judge Lin. Criminal Court Building )  
Defendant. )

Richard Paul L., Deana Binstock, Tondart, Taylorscott, Geraldine D'Souza  
Assistant State Attorney

LEAVE TO FILE PETITION OF MANDAMUS

NOW COMES Plaintiff, Luis Martinez, pro se, in order to give notice to the Court for leave to file a PETITION OF MANDAMUS pursuant to Code of Civil Procedure 735 ILCS 5/14-101 et. seq., directed to the above named Defendants. In support thereof, Plaintiff states as follows:

1. Leave to file PETITION OF MANDAMUS is an original action before the Court.
2. Plaintiff presents for review issues of law pertaining to him while incarcerated at Dixon Correctional Center, Dixon, Illinois, LEE County.
3. Plaintiff contends that the issues to be presented are concerning his right to DNA testing, and The disclosure of Exculpatory evidence 412 DNA evidence 417
4. Plaintiff alleges in the petition that he is seeking Mandamus relief and has a right TO DNA testing The partie has failed to perform this Dutie because of inaction
5. Plaintiff's petition seeks to compel the Defendant to TO disclose evidence under Rule 417 and exculpatory evidence under Rule 412 Brady doctrine And grant and order The court To provide plaintiff DNA testing and other
6. Plaintiff hereby incorporates by reference all grounds and allegations stated in the PETITION OF MANDAMUS, a copy of which is attached hereto.
7. WHEREFORE, plaintiff prays this Court to grant him leave to file a PETITION OF MANDAMUS.

Respectfully submitted,

Luis Martinez  
Plaintiff, pro se, ID# Number K89831

P.O. Box \_\_\_\_\_

Dixon Corr Ctr, Dixon, IL \_\_\_\_\_

IN THE SUPREME COURT OF ILLINOIS  
Supreme Court Building Springfield 62701

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, ILLINOIS  
THE COURT FOR THE \_\_\_\_\_ JUDICIAL CIRCUIT  
LAW DIVISION

EXHIBIT N

Luis Martinez

Plaintiff,

vs

No. \_\_\_\_\_

Judge Lin. Richard Paul  
Defendant.

Deana Binstock, Tom Clark Cook County Sheriff, Taylor Scott, Geraldine D'  
Souza

PETITION OF MANDAMUS

NOW COMES Plaintiff, Luis Martinez, pro se, in order to give notice to the Court for leave to file a PETITION OF MANDAMUS pursuant to Code of Civil Procedure 735 ILCS 5/14-101 et. seq. directed to the above named Defendant.

IN SUPPORT THEREOF, Plaintiff states as follows:

1. Plaintiff is currently incarcerated at Dixon Correctional Center, Dixon, Illinois, LEE County. Plaintiff is serving a sentence of 10 years for the charge of CRIMINAL SEXUAL ASSAULT.

2. Defendant, named above, is the Conspirators engaged and as such is responsible for in criminal activity to frame plaintiff to this crime.

3. Plaintiff brings this PETITION OF MANDAMUS before the Court pursuant to Code of Civil Procedure 735 ILCS 5/14-101 et. seq.

4. The plaintiff has requested that the defendants perform specific ministerial duties. The defendants have refused to perform such duties regardless of plaintiff's clear entitlement to performance of the specific duties which are set forth as follows:

has failed to provide under Rule 417 information requested for the DNA evidence, in the pretrial proceeding and post conviction for DNA testing exculpatory evidence 412. Sergeant Kane Internal Affairs investigator has failed to disclose Plaintiff information and the results of her investigation because the information she has show cause of being falsely arrested civil rights violation Innocence 412

5. As a result of Defendant's actions, Plaintiff will suffer irreparable damages and be subjected to false imprisonment, injustice if DNA testing is not granted and if Sergeant Kane does not forward exculpatory evidence discovered in her investigation that show plaintiff innocence, police falsely arrested plaintiff having knowledge of a DNA match of someone else police brutality, bribery, falsification of evidence use of excessive force domestic violence by police  
Revised Jan 2002 in violation of plaintiff civil rights

6. WHEREFORE, Plaintiff prays the Court will grant any such relief as the Court deems just and necessary by ruling Defendant's actions of Failing To perform a duty by law and Engagement of criminal Activity In violation of the law because of Racism

7. WHEREFORE, plaintiff further prays the Court will issue an ORDER OF MANDAMUS compelling Defendant to:

exhibit N.

(a) Sergeant Kane Internal Affair Investigator To Forwarded The results of her investigation and evidence discovered which she refused so for 1 year and 3 months because exculpatory evidence was found  
(b) To provide the relief requested said further In this petition To End injustice

(c) To grant plaintiff leave to file brief in support of PETITION OF MANDAMUS.

(d) To grant such other relief as the Court deems just necessary.

Respectfully submitted,

Luis Monty  
Plaintiff, pro se

Signed before me this 1<sup>st</sup> day of August, 2008.

Jill Straw  
Notary Public

STATE OF ILLINOIS

COUNTY OF Lee



AFFIDAVIT

I, Luis Monty, deposes and says that as to the petition herein, he/she is the plaintiff in the above entitled cause; that he/she has read the foregoing document, by his/her signed, and that the statements contained therein are true in substance and in fact.

s/s Luis Monty  
Plaintiff, pro se

Signed before me this 1<sup>st</sup> day of August, 2008.

Jill Straw  
Notary Public

Revised Jan 2002

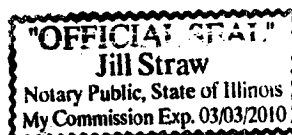


Exhibit N.

State of Illinois )  
County of Cook ) SS  
/

IN The circuit court of  
COOK County County Department  
Criminal Division

People of the state of Illinois  
VS. )

Luis Martinez ) 06 CR 3231  
/

Motion For Appointment of A  
Microbiological expert, or Microanalytical  
Expert, or Forensic Scientist, at  
County expenses

Now comes The Defendant Luis Martinez  
under Fed R. crim. p. 17(b) 18 U.S.C.A 3006  
A(e) 11 (3) Rights of indigent defendant  
in criminal case TO Aid of State by Appointment  
of investigator or expert Defendant Respectfully  
ASK this honorable court TO Appoint And pay the  
Funds of \$\_\_\_\_\_ for Any of These specific  
experts that are NOT State experts TO  
Inspect and TEST The DNA evidence offered  
In this case TO demonstrate that the DNA  
evidence is NOT really semen and TO TEST  
The DNA evidence of this case And offer  
Testimony that would Aid And help the

EXHIBIT N.

Defense case in showing actual innocence based on the facts presented on the Motion for DNA testing under the Due Process Rights of the Defendant is entitled to an expert other than a state expert to use scientific techniques that was not used by the state expert who falsified the evidence to this case and these testing techniques along with an expert would have potential to produce new evidence in this case of assertion of actual innocence of the Defendant and new reliable expert opinion that would exonerate the Defendant completely of the basis of DNA evidence of this case.

Therefore Defendant prays the court issue and authorize the expenditure of funds to pay for reasonable services of an expert witness requested if the court allows the funds for expert assistance. Defendant will tell the court which expert would be appropriate and reliable to provide services and all other information of expert desired by the Defendant would be given to the courts.

Respectfully  
Submitted  
Luis May



STATE OF Illinois

County of Cook

SS

EXHIBIT N,

IN THE Circuit of Cook County  
County Department Criminal Division

People of The State of Illinois

V.

Ob-cr-3231

Luis Martinez

Motion For Forensic Testing NOT available

At trial regarding Actual innocence

725 ILCS 5/116-3

NOW COMES Defendant Luis Martinez, prose  
REQUESTING For A Second Chance For Justice  
RESPECTFULLY ASK This honorable court TO grant  
The Defendant DNA Testing, if The court does  
NOT vacate Defendant conviction And release The  
Defendant The only solution would be Appropriate  
TO Show Actual cause of innocence DNA testing  
TO clarify That The DNA Test results of  
This case were Truly Exculpatory, And Altered

Exhibit N.

State of Illinois )  
County of Cook ) SS  
)

IN THE CIRCUIT COURT  
OF COOK COUNTY COUNTY DEPARTMENT  
CRIMINAL DIVISION

People of The State of Illinois  
vs. )

Luis Martinez ) Ob cr 3231  
)

EX parte Motion for expenses  
For investigator state expenses

Now comes The Defendant Luis Martinez  
pro se and pursuant to MGL C.261 27A - D  
Respectfully request This honorable court TO  
authorize The expenditure of funds NOT TO  
Exceed a sum certain duly authorized by this  
court, To enable The Defendant TO obtain The  
Services of a private investigator for a defense  
Investigation of The Facts surrounding This case

AS grounds There Fore, The Defendant States  
That he is indigent and unable TO pay for  
an experts services, and that the request  
funds are "reasonably necessary TO prevent  
Luis Martinez from being subjected TO disadvantage  
In preparing or presenting his case Adequately,  
In comparison TO one who could afford TO pay...  
COMMONWEALTH V. LOCKLEY, 381 MASS. 156, 160,  
480 NE.2d 834, 838, (1980) MASS R. CRIM. P.  
41

WHERE FORE This COURT is respectfully  
urged TO authorize The expenditure of  
funds TO pay for The reasonable services of  
A private investigator, and The courts attention  
is directed TO The facts said

Respect Fully Submitted,  
Luis Martinez pro-se

EXHIBIT N.

State of Illinois )  
County of Cook ) S.S.  
/

In The circuit court of  
Cook county county Department  
criminal-Division

People of The State of Illinois  
Vs.

Luis Martinez

Motion For Subpoena Federal,

(Caption)

Defendant, Luis Martinez pro-se moves this  
court for a subpoena pursuant to Section 17(c)  
of The Federal Rules of criminal procedure  
commanding The court to subpoena K. Behle  
Forensic biologist to present to the defendant  
to produce in her possession in order to end  
injustice and seek fairness in this case in good  
faith All written full lab notes done by her  
on 5/25/05 chain of custody DNA lab report  
done on 6/9/05 chain of custody original DNA  
lab report based on The experts finding photographs  
exhibits, All forensic Documents all tangible  
objective evidence intended as exhibits that can  
be reviewed to assure that the chain of custody

And Identification can be sustained as a  
 predicate TO the introduction OF the exhibit  
 All Scientific NOTES explaining experts Testimony  
 And Thier opinion based on examination all  
 disclosure OF exculpatory DNA evidence favorable  
 TO the defendant in K. Behle possession  
 Brady v. Maryland 373 U.S. 83, 83 S. CT.  
 1194, 10 L. Ed. 2d 215 obligation TO  
 disclose favorable evidence TO the accused  
 that the government failed TO disclose  
 exculpatory scientific results favorable TO  
 the defendant All scientific results OF  
 reports OF any scientific or economic test  
 or experiments or studies made in connection  
 with the Instant case copies OF those  
 reports Identifying what DNA evidence material  
 physical evidence was tested, Location,  
 Dates each Item Tested Results  
 Medical Files NOTES chain of custody from  
 Rape KIT provided TO K. Behle for DNA typing  
 and comparison All Notes Scientific Results  
 from rape KIT The date OF said test  
 analysis or examination, The Identity OF any  
 person assisting in said test analysis or  
 examination The results and conclusion written  
 reports oral opinion reached by each expert  
 Full discovery OF Scientific Facts opinions be  
 provided TO seek fairness, and exculpatory  
 evidence for the defense defendant ask  
 that this honorable court allow and issue this  
 Subpoena for information that been concealed  
 this meants Respectfully submitted

EXHIBIT N

State of Illinois )  
County of Cook ) SS  
)

IN The circuit court of  
Cook county county Department  
Criminal - Division  
)

People of The state of ) Ob CR 3231  
Illinois )

VS.

Luis Martinez

Motion For an issuance of Subpoena  
Under (Rule 17 C)

Now comes The Defendant, Through pro-se  
Luis Martinez, respectfully Moves This honorable  
court For an order That a Subpoena be  
Issued Also the court TO order TO direct  
The state prosecutors TO disclose The Identi-  
tity names and title of positions of employment  
position held and duty performed AT The Lincoln  
park hospital That a subpoena be issued TO  
The personnel who completed a rape kit on The



## Exhibit N

victim of this case Molly grierson on April 19, 2005 while The victim was treated And examined at the lincoln park hospital. The personnel from the lincoln park hospital, physician, And Doctor who examined Molly grierson should be subpoena TO testify in this case at The criminal court building located at 2650 S. california Chicago Ill. 60608 And bring TO court The original copy of any and all medical records of treatment hospital records and all clinical records of every kind relating TO The care and treatment of Molly grierson, any and all videotapes showing The victim entering The lincoln park hospital The names and ~~identity~~ identity of each person who consulted with The witness at the

lincoln park hospital in The instant matter  
Include: The court TO subpoena this information

(A) Names and title

(B) birth dates

(C) Address

D Telephone numbers

(e) profession or occupation and The field in which he/she is an allegedly an expert



## EXHIBIT N

The Identity Names and JOB TITLE OF each and every person who examined Molly grierson and Identity of any object used material Tested when examination was Done on Molly grierson including Date of said test, analysis or examination (b) The location of said Test analysis or examination (c) the purpose of said Test, analysis or examination (D) The steps or Methods employed in said Test, analysis or examination (e) The information provided The expert prior to said test, analysis or examination (f) the Identity of any person assisting in said test analysis examination should be ALSO subpoena (G) the present location of any samples or materials tested analyzed or Examined (h) the type of DNA samples collected from The Molly grierson During her examination and the type of Material clothing Identifying each piece that was placed in the Chain of custody All written reports Books chain of custody should be subpoena ALSO Defendant respectfully ask That This evidence be subpoena because it is evidentiary and relevant TO Show Fairness in this case

Respectfully Submitted  
 Luis meza

Exhibit M

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
THE COURT FOR THE COOK county JUDICIAL CIRCUIT  
LAW DIVISION

Luis Martinez

Plaintiff,

vs

No. 06-CR-3231

Judge Ann Deam Binstock  
Defendant.

Richard paul L. Quinton pitluck - geraldine D'souza

PETITION OF MANDAMUS

NOW COMES Plaintiff, Luis Martinez, pro se, in order to give notice to the Court for leave to file a PETITION OF MANDAMUS pursuant to Code of Civil Procedure 735 ILCS 5/14-101 et. seq. directed to the above named Defendant.

IN SUPPORT THEREOF, Plaintiff states as follows:

1. Plaintiff is currently incarcerated at Dixon Correctional Center, Dixon, Illinois, Dixon County. Plaintiff is serving a sentence of 10 years for the charge of Criminal Sexual Assault.

2. Defendant, ET AL. respondents, is the conspirators who acted in concert and as such is responsible for in bad faith illegally permitted Detectives of this case to AS principal Agents of this conspiracy crime. illegally Threw away A rape kit Completed by a physician when The victim had been treated at the hospital because Semen samples tested results showed plaintiff innocence

3. Plaintiff brings this PETITION OF MANDAMUS before the Court pursuant to Code of Civil Procedure 735 ILCS 5/14-101 et. seq.

4. The plaintiff has requested that the defendants perform specific ministerial duties. The defendants have refused to perform such duties regardless of plaintiff's clear entitlement to performance of the specific duties which are set forth as follows:

which was plaintiff counsel's clear duty To Compel The states attorney geraldine D'souza which had Authority TO Comply TO give plaintiff counsel which counsel Failed TO REQUEST and concealed and hide After The scientific DNA evidence of The rape kit was destroyed in bad faith The DNA evidence OF The rape kit results Lab reports Done by JK Behle 6/9/05 were Also removed from evidence. Thrown away by Richard paul L.  
5. As a result of Defendant's actions, Plaintiff will suffer irreparable damages and be subjected to False imprisonment. because a rape kit existed as real evidence And scientific results of The rape kit showed Actual innocence OF plaintiff

Mandamus Exhibit N 1.)

plaintiff has a clear right to the relief request  
The rape kit completed when the victim had been  
treated and examined at the hospital was never  
presented in the pre-trial proceeding of this case  
because it was illegally removed from the DNA  
chain of custody and thrown away because  
those scientific results showed a DNA match  
of someone else that was not the plaintiff  
The conviction should be vacated and the plaintiff  
should be released people v. stacks App. 2 Dist  
2006, 302 Ill Dec 769, 365 Ill App.3d 592,  
850 NE2d or

plaintiff is seeking Mandamus relief respectfully  
request this honorable court to issue an order  
the state prosecutors to forward because it may  
still be possible despite the loss in Bad Faith  
destruction of the physical DNA evidence from the  
rape kit completed at the Lincoln Park hospital  
that was illegally thrown away and destroyed  
thereby denying plaintiff due process of law  
because this evidence excluded the plaintiff of  
the source of the semen donor from the rape  
kit completed through re-analysis of the  
electronic data, and electropherograms,  
collected by the state lab in its initial

## Mandamus Exhibit N 2.1

Rounds of Testing The existence of The electronic data could be re-analyzed using New analytic method in order to clarify That The rape kit was a piece of real evidence That was undisclosed To The courts because The scientific results showed The plaintiff was innocent of These charges To End injustice and unfairness and plaintiff innocence of These charges plaintiff respectfully ASK This honorable court To order DNA Testing To show cause of plaintiff innocence In The pretrial proceeding plaintiff repeatedly ASK for DNA Testing The State prosecutors and Judge Linn Failed To provide DNA Testing which plaintiff had A clear right To relief of testing because The results would show plaintiff innocence, This would only be The appropriate relief Awarded by This court.

IF The court does NOT vacate This conviction and Release plaintiff To show plaintiff innocence plaintiff was A mental patient in Rtu Div 8, while awaiting Trial plaintiff was transferred without psychiatric doctors Authorization To general population for purposes of Denying plaintiff mental health treatment ordered by psychiatric Doctor Luke Due To The lack of mental health treatment in general population And No psychiatric medication plaintiff

## Mandamus Exhibit 3.1

deteriorated And did not have The Ability To function or understand The proceeding of This case And was Unable To defend himself and unfit To stand trial which counsel had knowledge of This but Failed To move For A mental health evaluation After The plaintiff was moved To general population for purposes To make him Unable To understand The proceeding of This case And To make A plea Negotiation while plaintiff was unfit To understand The proceeding To make closure To This case It was counsel obligation To move For A fitness hearing because counsel had knowledge that plaintiff was involuntary committed To general population removed From The psychiatric hospital without NO authorization from psychiatric doctor which ordered plaintiff To receive psychiatric Treatment, and psychotropic medication in order

To be fit To stand trial, which in general population maximum security psychiatric treatment did not exist at all whatsoever when The plaintiff was involuntary placed there which counsel failed To move plaintiff To A mental health facility To continue psychiatric treatment, which was ordered by psychiatric doctors or To a less restrictive facility To continue his psychotropic medication.



EXHIBIT N,

6. WHEREFORE, Plaintiff prays the Court will grant any such relief as the Court deems just and necessary by ruling Defendant's actions of Under These circumstances These Defendants Violated plaintiff Due process Rights Knowing That thier conduct was unlawful due To The Facts Shown in this petition

7. WHEREFORE, plaintiff further prays the Court will issue an ORDER OF MANDAMUS compelling Defendant to: comply with Thier duty because plaintiff

(a) has A clear right The rape KIT Scientific results Done by K. Behte 6/9/05 Forward These exculpatory results To plaintiff

(b) Due To The abuse of Discretion Bad Faith destruction of This evidence That was exculpatory Defendant conviction Should be vacated and The defendant should be released, or The only Appropriate remedy grant plaintiff A DNaretest

(c) To grant plaintiff leave to file brief in support of PETITION OF MANDAMUS.

(d) To grant such other relief as the Court deems just necessary.

Respectfully submitted,

Luis Mantey  
Plaintiff, pro se

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS  
COUNTY OF \_\_\_\_\_

AFFIDAVIT

I, Luis Mantey, deposes and says that as to the petition herein, he/she is the plaintiff in the above entitled cause; that he/she has read the foregoing document, by his/her signed, and that the statements contained therein are true in substance and in fact.

s/s Luis Mantey  
Plaintiff, pro se

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

STATE OF Illinois  
County of COOK

Exhibit ①

①

SS

IN THE CIRCUIT COURT OF COOK COUNTY  
County Department, Criminal Division

People of The State of Illinois  
VS.

Luis Martinez

Defendant

06 CR 3231

Honorable Judge

HILL ARTHUR FJR. COURTROOM 200

MOTION For A Bar Association Attorney  
OTHER Than A public defender.,

NOW COMES THE defendant., Luis Martinez In his OWN  
Proper person And Moves this honorable court TO Enter AN  
Order providing That The Defendant shall be Appointed counsel  
Other Than a COOK county public defender TO represent The Defendant  
The Defendant Averred These Facts.

IN support of This Motion Defendants Alleges:

- 1.) That The defendant is indigent And without financial resources  
Of any Description whatsoever with which TO retain counsel
- 2.) My claim in this matter is NOT Frivolous or Malicious but  
is Colorable and Meritorious.



EXHIBIT O O

3.) A Defendant has a constitutional right To The  
EFFECTIVE Assistance of counsel of U.S. CONSTAMEND  
VI XIV., II const. 1970 ART 1, 8 Strickland v.  
Washington. 466 U.S. 668, 104 S. CT. 2052, 80 L. Ed  
2d. 674 (1984) people v. Albanese. 104 Ill. 2d 504,  
473 NE. 2d 1746 1984.

4.) Defendant has The Right To Effective Assistance of  
Counsel U.S. constitutional Right Amendment SIX Gideons  
v. Wain Wright 327 U.S. 355 1963 Illinois Revised  
Statute chapter 3 Section 5604 (4) Chapter 38113 B

### Argument For Review.,

Defendant basis his Rights under The universal Declaration  
of human Rights Adopted and proclaimed by general Assembly  
resolution 217 A (III) OF 10 December 1948 as a common  
standard of achievement for all people and Nation Article  
(5) No one shall be subjected To torture or To cruel  
in human or degrading treatment or punishment and  
(8) Everyone has The Right To an effective remedy by  
The competent National tribunals for acts violating The  
Fundamental rights granted him by The constitution or by law  
it would be a violation of This Declaration and The  
court will endure a great hardship subjected To Torture and  
Cruel inhuman punishment

(4)

and should NOT be trusted TO represent The defendant  
AT all what so ever and would clearly NOT represent the  
defendant effectively in This cause One of The problems  
in This case and now find myself falsely imprisoned because  
OF public defenders barbarous Act and corruption committed  
committed by 3 public defenders who work for The cook county  
public defenders office Deana Binstock, Richard H. paulL,  
Quinton pitluck, all and Others were The problem in this  
case And shall be held liable for Thier barbarous  
Act that deprived ME of liberty These public defenders  
Aided And Abbetted and Assisted Other conspirators  
Principal Agents of This conspiracy crime police officers TO  
This case TO cause False imprisonment,

will Fully Done by Racial Discrimination TO frame minority  
People TO crimes they did NOT commit for No wrong doing  
on The basis of False evidence that was deliberately  
Fabricated and invented by counsel Richard paulL, Deana  
Binstock, Quinton pitluck and other members of this  
conspiracy crime clearly in violation of The due  
Process clause 14th Amend Right NOT TO be subjected  
TO criminal charges on The basis of False  
evidence that was deliberately fabricated by The  
government

ALSO A State and Federal Right To The Effective  
 Assistance of counsel U.S. CONST SIX gideon v. wainwright  
 377 U.S. 355 people v. Royse 99 Ill. 2d 163, 457 NE.2d  
 1217 (1983) ALSO Right To be Free from conflicting interest  
 and Right To loyalty of counsel both Amend would be  
 violated and The defendant would be denied The Effective  
 Assistance of counsel IF this court Appoint a public  
 defender from The public defenders office of cook county TO  
 Represent The defendant in This post cause, and case.

Defendant Alleged it would clearly be A Abuse and would  
 constitute A repeated pattern of Misconduct done by public  
 defenders who conspired TO commit federal crimes from The public  
 defenders office of cook county whereas a disregard TO  
 Appoint A Bar Association lawyer Other Than A public defender  
 would clearly constitute a disregard of defendant human  
 Rights and disregard of The guarantee Rights of The SIX  
 Amendment U.S. constitution and clearly would be a barbarous  
 Act of The Fundamental human Rights of dignity and Mankind  
 and would further constitute Torture, and endure A great  
 hardship of unfair punishment TO The defendant caused by

illegal Retaliation of other public defenders from The same  
 public defender office of cook county were This Appointed  
 public defender is from Therefore Another public defender  
 from cook county should not be Appointed

(5)

if any concept is fundamental to our American system of justice it is that those charged with upholding the law are prohibited from deliberately fabricating evidence and framing individuals for crimes they did not commit in violation of due process clause

These 3 public defenders Richard PAULL, Deana Binstock, Quinton pitluck deprived defendant of liberty and of a fair trial and infected the pre-trial proceeding of this case in joint partnership effort to accomplish false imprisonment Deana Binstock, Richard PAULL from the Cook county public defenders office learned that the defendant in the pre-trial proceeding

repeatedly filed complaints with the Attorney Registration Disciplinary Commission, and motion filed prose showing conflict of interest and sufficient facts and evidence showing that Richard PAULL, and Deana Binstock filed and stipulated falsely and was offered in evidence by these two attorneys to frame the defendant with this crime with other perjured testimonies Richard PAULL, and Deana Binstock public defenders assisted Taylor SCOTT III



Exhibit P,

Once I have finished my obligations, I will file a certificate with the court. The court will then hold a hearing on the motion. It is up to the trial judge to decide whether you can withdraw your guilty plea and go to trial on the charges against you. A new trial will not be limited to the charge to which you pled guilty. When a plea is withdrawn, the State has the right to try you on all of the charges which it originally brought against you including the Class X felonies. If you go to trial and lose, the trial court can give you a sentence of more than 10 years.

As we discussed on the phone, a motion to withdraw guilty plea is not a means to obtain an outright reversal of your conviction. At best, it could only result in withdrawal of your guilty plea which means you would be facing trial of the charges in this matter. You expressed your displeasure at my statement but that is the law.

Your motion alleges that various court personnel conspired together to falsify documents about DNA testing. You allege that you were "not able to go to trial" because of this conspiracy. You say that a rape kit was done on the complaining witness the same night of the offense and that the results of that test exonerated you but were destroyed. A test done on evidence collected days later resulted in a match with you. When I asked your basis for knowing about a previous exonerating test which had been destroyed, you pointed me to the police report attached to your motion. That report states merely that the complaining witness was treated and released from Lincoln Park Hospital but does not describe the nature of her treatment, the performance of any tests or the results of any tests.

The trial court's file shows that on March 13, 2007, your attorneys filed a motion to suppress which alleged that your consent to confirmatory DNA testing was invalid. That motion was denied on or about May 7, 2007. On March 20, 2008, your attorneys also moved for an order *in limine* to bar the State from presenting DNA evidence. Your attorneys entered into a stipulation regarding the chain of custody over the DNA evidence.

The trial court's file contains several letters from the ARDC regarding your complaints against your attorneys. Part of your complaint was that your attorneys entered into a stipulation about false DNA evidence. The letters from the ARDC concerning your complaints about false DNA evidence are dated prior to your entering into a guilty plea on May 29, 2008.

As discussed above, your plea of guilty waived all claims of error including your claims that the misconduct by the court personnel deprived you of your constitutional rights. Sometimes the courts will let someone withdraw a plea if they did not know about the misconduct at the time of the plea because the misrepresentation affects the knowing and voluntary nature of the plea. However, where the record shows that you had voiced numerous complaints about the alleged false DNA evidence in this case before you agreed to plead guilty, it will be extremely difficult to show that your guilty plea was not knowing or voluntary.

Similarly, it will be hard to succeed on a claim that you were coerced into pleading guilty by the actions of your attorneys. The fact that your attorneys filed a motion to suppress contesting



**AUTHORIZATION FOR RELEASE OF INFORMATION**

I authorize Cook County Department of Corrections to release  
(facility/therapist)  
any and all records related to mental health treatment, medication and  
testing including but not limited to prescription and administration of medication  
(state specific nature of information to be disclosed) in May 2008.

about Luis Martinez, d.o.b. 7/26/78, I.R.# 1143693 to  
(patient's name)

Eileen Pahl

ASSISTANT PUBLIC DEFENDER

COOK COUNTY PUBLIC DEFENDER'S OFFICE

69 West Washington, 15<sup>th</sup> Floor, Chicago Illinois 60602

(receiving agency/person and address)

for the purpose of motion to withdraw guilty plea/reduce sentence

This consent is valid until: the conclusion of proceedings on motion to withdraw plea/  
reduce sentence.

I understand that I may revoke this consent at any time and that the above-named person authorized to receive this information has the right to inspect and copy the information to be disclosed.

It has been explained to me that if I refuse to consent to this release of information, the following are the consequences (specify, if any): \_\_\_\_\_

\_\_\_\_\_  
(Minor recipient, 12-7 inclusive)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
If signature is not of recipient indicate  
legal relationship to recipient and legal basis  
on which consent is given to recipient.

**NOTICE TO RECEIVING AGENCY/PERSON:** Under the provisions of the Illinois Mental Health and Developmental Disabilities Confidentiality Act, you may not re-disclose any of this information unless the person who consented to this disclosure specifically consents to such re-disclosure.

Under the Federal Act of July 1, 1975, Confidentiality of Alcohol and Drug Abuse Patient Records, no such records, nor information from such records may be further disclosed without specific authorization for such re-disclosure.



EXHIBIT

please stamp  
and send back  
people

IN THE  
Circuit Court of Cook  
County, Illinois Criminal Division,

The People of THE  
State of Illinois  
Plaintiff,

vs.

Case No. 06-CR-3231

Luis Martinez

Defendant.

PROOF/CERTIFICATE OF SERVICE

To: The Circuit Court of  
Cook County, Illinois  
Criminal Division

To: States Attorney  
Richard Devine at the  
Criminal Court Bldg. 2600 S. California

PLEASE TAKE NOTICE that on 6-27-08, 2008, I have  
placed the documents listed in the institutional mail at Dixon Correctional Center,  
properly addressed to the parties listed for mailing through the United States Postal  
Service: \_\_\_\_\_

Pursuant to 28 USC 1746, 18 USC 1621, or 735 ILCS 5/1-109, I declare, under penalty  
of perjury, that I am named in the above action, that I have read the above documents,  
and that the information contained therein is true and correct to the best of my  
knowledge.

Date: 6-27-08

/s/ \_\_\_\_\_  
Name: Luis Martinez  
IDOC# K89831  
Dixon Correctional Center  
2600 N. Brinton Ave.  
Dixon, IL 61021

STATE OF ILLINOIS

SS

COUNTY OF lee

AFFIDAVIT

I, Luis Martinez, deposes and says that as to the

petition herein, he/she is the Defendant in the above entitled cause; that he/she has read the fore-going document, by his/her signed, and that the statements contained therein are true in substance and in fact.

/s/ Luis Martinez  
Defendant, pro se

Signed before me this 27<sup>th</sup> day of June, 2008.

Jill Straw  
Notary Public



IN THE CIRCUIT COURT OF THE COOK JUDICIAL  
CIRCUIT \_\_\_\_\_ COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS )

Respondent, )

v. )

Case No. 06-CR-3231

Luis Martinez )  
Defendant/Petitioner, pro se )

MOTION FOR TRIAL TRANSCRIPTS  
AND  
COMMON LAW RECORDS

The Petitioner, pro se, Luis Martinez respectfully moves this Honorable Court to enter an order pursuant to Supreme Court Rule 471, 605, 607, and 608, allowing defendant to obtain a copy of his common law record and trial transcript of the proceedings without cost to him.

Petitioner, pro se, is an indigent person within the meaning of the statutes and has a meritorious cause for review in this Court.

1. That he is presently incarcerated at the Dixon Correctional Center, Illinois, Illinois 61021.

2. He is now serving a sentence of 10 months years following a conviction for Criminal Sexual Assault, in the County of COOK on 5-29-08, following a guilty plea, before the Honorable Assistant Judge For Judge Ilin, Judge presiding, and a term of 6 years years remains to be served for this conviction.

3. The Petitioner, pro se is without financial means to pay for the report requested in that he does not have any real estate or any interest in real estate, and that he has no money, accounts receivable, or personal property of any kind or nature sufficient to enable him to pay for the requested proceedings. An affidavit in support is attached.

IN THE CIRCUIT COURT FOR THE COOK JUDICIAL COURT  
COUNTY, ILLINOIS

The people of the state of  
Petitioner Illinois,

v.

Luis Martinez  
Respondent

No. 06-CR-3231

APPLICATION TO SUE OR DEFEND AS A POOR PERSON

Applicant, Luis Martinez, respectfully requests the Court, pursuant to 735 ILCS 5/5-105, and Rule 298 of the Supreme Court, to grant (him/her) leave to (sue/defend) as a poor person; in support applicant states that the following facts are true in substance and in fact:

1. I am the (Petitioner/Respondent) in the above captioned legal proceedings.
2. I am a poor person and unable to (prosecute/defend) this action and am unable to pay the costs, fees, and expenses of this action.
3. My occupation or means of subsistence:
  - (a) I am not currently employed due to my imprisonment at Dixon Correctional Center, but I receive (a state stipend/nominal wages) of \$ 10 per month.
  - (b) The amount and source of all other income or support are:  
0
4. My total income for the preceding year was \$ 0.
5. The sources and amount of income expected by me hereafter are:  
0
6. The nature and current value of any property, real or personal, owned by me:
  - (a) Real Estate: 0  
Value: \_\_\_\_\_
  - (b) Motor Vehicle: 0  
Value: \_\_\_\_\_
  - (c) Cash, savings, checking, etc.: 0  
Value: \_\_\_\_\_
  - (d) Prison Trust Account: 0  
Value: \_\_\_\_\_
  - (e) Other (eg., TV, etc.): 0  
Value: \_\_\_\_\_
7. No applications for leave to sue or defend as a poor person were filed by me or on my behalf during the preceding year, except as follows:  
\_\_\_\_\_
8. I believe in good faith that I have a meritorious (claim/defense).

Luis Martinez  
(Your signature)

Type or print name Luis Martinez  
Register Number K89831  
Dixon Correctional Center  
Box 1200  
Dixon, Illinois 60421  
(Petitioner/Respondent), Pro Se

**AFFIDAVIT OF SERVICE**

I, Luis Martinez, state that I served a copy of the document to which this affidavit is attached upon each party, or, if represented by counsel, upon the attorney of record for said party(ies) by enclosing the same in a sealed envelope plainly addressed as is disclosed by the pleadings of record herein and by depositing each of such envelopes in the box designated for United States mail at Dixon Correctional Center, Dixon Illinois, together with the appropriate request to the prison official responsible to affix fully prepaid postage thereon, on this 6-27 day of 2008.

Luis Martinez  
Signature

**VERIFICATION**

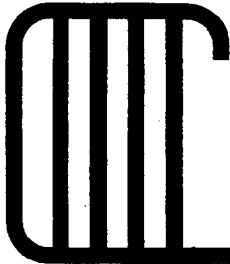
I, Luis Martinez, the undersigned, certify and state that:

1. I am the (Petitioner/Respondent) in the above captioned legal matter.
2. I have read the foregoing application and have knowledge of its contents;

and

3. Under penalties as provided by law pursuant to sec. 1-109 of the Code of Civil Procedure, I certify that the statements set forth in the foregoing motion and this affidavit are true and correct except as to matters therein stated to be on information and belief, and as to such matters I certify that I believe the same to be true.

Luis Martinez  
(Your signature)



**Illinois**  
Department of  
**Corrections**

EXHIBIT 2,

**Pat Quinn**  
Governor

**Roger E. Walker Jr.**  
Director

Dixon Correctional Center / 2600 N. Brinton Avenue / Dixon, IL 61021 / Telephone: (815) 288-5561 / TDD: (800) 526-084

Date: March 20, 2009  
To: Luis Martinez, K89831  
HU 60/48  
From: Curtis O'Neal  
Assistant Warden of Programs  
Subject: **Indigent Status Request**

After review of your trust fund account, I am approving your request for indigent status for legal purposes only. This approval is approved through April 20, 2009; however, should your circumstances change this approval maybe revoked. If you feel you should be reconsidered for indigent approval for legal purposes on or about April 20, 2009 please forward a request to my office for appropriate review and response to your request. A copy of this letter will be forwarded to the library staff so that they are aware of this approval and can in turn issue you the approved monthly allotment of legal materials for indigent offenders.

This indigent status does not apply to hygiene items. If you are in need of hygiene items you will need to contact your counselor.

Curtis O'Neal  
Assistant Warden of Programs

CO/jmb

cc: Becky Williams, Litigation Coordinator  
Carole O'Neal, Assistant Paralegal





A program of the Bluhm Legal Clinic

The MacArthur Justice Center

Exhibit 3.



August 13, 2007

LEGAL DIRECTOR AND  
CLINICAL ASSOCIATE PROFESSOR  
Locke E. Bowman  
312.503.0844  
l-bowman@law.northwestern.edu

CLINICAL ASSOCIATE PROFESSOR  
Joseph Margulies  
312.503.0890  
j-margulies@law.northwestern.edu

BOARD OF DIRECTORS  
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John R. MacArthur  
James Liggett

GENERAL COUNSEL  
David J. Bradford  
One IBM Plaza  
Suite 4400  
Chicago, IL 60611  
312.222.9350  
djlbradford@jenner.com

**CONFIDENTIAL LEGAL MAIL**

Luis Antonio Martinez  
20060007243  
P.O. Box 089002  
Chicago, IL 60608

Dear Mr. Martinez,

Thank you for your letter asking for help with your individual situation.

The MacArthur Justice Center is a small public interest law firm that is devoted to litigating cases that may impact the operation of the criminal justice system. Unfortunately, we are not able to help in every situation, even where claims seem legitimate and serious.

Thank you for writing. We wish you the best of luck.

Sincerely,

Alex Sierra  
Legal Assistant

IN THE  
UNITED STATES DISTRICT COURT  
EASTERN DIVISION

LUIS MARTINEZ, Reg. No. K-89831

Plaintiff

vs.

See attached pages

1(a), 1(b), 1(c), and 1(d) in their  
Individual and Official Capacities

Defendant

Case No. \_\_\_\_\_

PROOF/CERTIFICATE OF SERVICE

To: Michael W. Dobbins, Clerk  
U.S. District Court, Northern District  
of Illinois, Eastern Division  
219 S. Dearborn St. 20th Floor  
Chicago, IL. 60604

To: For Defendant's Addresses  
See pages 1(a), 1(b), 1(c)  
and 1(d)

PLEASE TAKE NOTICE that on \_\_\_\_\_ 20\_\_\_\_, I have  
placed the documents listed below in the institutional mail at Dixon Correctional Center,  
properly addressed to the parties listed above for mailing through the United States Postal  
Service: Complaint Under the Civil Rights Act, Title 42 Section 1983, and  
Supporting Documents; and Motion for Appointment of Counsel and, In Forma

Pauperis Application and Financial Affidavit.

Pursuant to 28 USC 1746, 18 USC 1621, or 735 ILCS 5/1-109, I declare, under penalty of  
perjury, that I am the named party in the above action, that I have read the above  
documents, and that the information contained therein is true and correct to the best of  
my knowledge.

Date: 4/3/09

/s/

Luis Martinez

Name: Luis Martinez

IDOC # K-89831

Dixon Correctional Center

P.O. Box 1200

Dixon, IL 61021